



8586

**REPORTS**  
**ON THE**  
**ADMINISTRATION OF CRIMINAL JUSTICE**  
**FOR THE YEAR 1916**



**RANGOON**  
**OFFICE OF THE SUPERINTENDENT, GOVERNMENT PRINTING, BURMA**  
**1917**

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## TABLE OF CONTENTS.

### REPORTS ON THE ADMINISTRATION OF CRIMINAL JUSTICE IN BURMA FOR THE YEAR 1916.

#### LOWER BURMA.

##### I.—CRIMINAL COURTS.

	PARA.	PAGE
Magistrates ... ..	1	1
Courts of Session ... ..	2	<i>ib.</i>
Chief Court ... ..	3	<i>ib.</i>

##### II.—OFFENCES REPORTED.

Offences under the Indian Penal Code ... ..	4	1
Offences under Special and Local Laws .. ..	5	2
Complaints summarily dismissed ... ..	6	3
Classification of cases ... ..	7	<i>ib.</i>

##### III.—ORIGINAL JURISDICTION.

General Statistics ... ..	8	3
Magistrates' Courts ... ..	9	4
Results of enquiries and trials before Magistrates ... ..	10	<i>ib.</i>
Preventive proceedings ... ..	11	<i>ib.</i>
Courts of Session ... ..	12	5
Chief Court ... ..	13	<i>ib.</i>
Duration ... ..	14	6
Witnesses ... ..	15	<i>ib.</i>

##### IV.—PUNISHMENTS.

General Statistics ... ..	16	6
Fines ... ..	17	<i>ib.</i>
First and youthful offenders ... ..	18	<i>ib.</i>

##### V.—APPELLATE JURISDICTION.

Appeals disposed of and pending ... ..	19	7
Results of appeals ... ..	20	<i>ib.</i>
Duration ... ..	21	<i>ib.</i>

##### VI.—REVISIONAL JURISDICTION.

District Magistrates ... ..	22	7
Sessions Judges ... ..	23	<i>ib.</i>
Chief Court ... ..	24	<i>ib.</i>

##### VII.—MISCELLANEOUS.

Inspections .. ..	25	7
Note on the graphs appended to the Report ... ..	26	<i>ib.</i>

## TABLE OF CONTENTS.

### UPPER BURMA.

#### I.—JURISDICTION OF COURTS AND NUMBER OF OFFICERS EXERCISING ORIGINAL CRIMINAL JURISDICTION WITH COSTS OF TRIBUNALS.

	PARA.	PAGE
Jurisdiction of Courts ... ..	1	9
Number of Officers ... ..	2	<i>ib.</i>

#### II.—OFFENCES REPORTED AND PERSONS TRIED, CONVICTED AND ACQUITTED OF EACH CLASS OF OFFENCE, AND GENERAL RESULTS OF CRIMINAL TRIALS IN THE TRIBUNALS OF VARIOUS COURTS.

Number of offences ... ..	3	<i>ib.</i>
Complaints dismissed ... ..	4	11
Classification of cases ... ..	5	<i>ib.</i>
Cases returned as true ... ..	6	<i>ib.</i>
Cases brought to trial ... ..	7	<i>ib.</i>
Cases disposed of by Magistrates ... ..	8	<i>ib.</i>
Number of persons under trial ... ..	9	<i>ib.</i>
Releases on probation ... ..	10	12
Benches of Honorary Magistrates ... ..	11	<i>ib.</i>
Courts of Sessions ... ..	12	<i>ib.</i>

#### III.—REFERENCES UNDER SECTION 374, CODE OF CRIMINAL PROCEDURE.

Cases referred ... ..	13	12
-----------------------	----	----

#### IV.—MISCELLANEOUS PROCEEDINGS UNDER THE CODE OF CRIMINAL PROCEDURE.

Preventive sections in Security cases ... ..	14	12
--	----	----

#### V.—DURATION OF CASES.

Average duration ... ..	15	13
-------------------------	----	----

#### VI.—PUNISHMENTS.

Number of persons punished . .	16	14
Total amount of fines ... ..	17	<i>ib.</i>
Compensation awarded ... ..	18	<i>ib.</i>

#### VII.—APPEALS.

Appeals preferred and disposed of ... ..	19	14
--	----	----

#### VIII.—REVISIONS.

Revisions by District Magistrates ... ..	20	15
Revisions by Sessions Judges and Judicial Commissioner ... ..	21	<i>ib.</i>

#### IX.—MISCELLANEOUS.

Witnesses ... ..	22	15
Inspections ... ..	23	16
Payment to accused persons, acquitted or discharged, and to Pleaders engaged on behalf of indigent persons accused of murder ... ..	24	<i>ib.</i>
Notes on the graphical forms appended to the Report ... ..	25	<i>ib.</i>

RESOLUTION  
ON THE  
REPORTS ON THE ADMINISTRATION OF CRIMINAL JUSTICE  
IN BURMA  
For the year 1916.

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Extract from the Proceedings of the Government of Burma in the Judicial Department,—No. 3C-7,  
dated the 17th September 1917.

READ—

The Reports on the Administration of Criminal Justice for the year 1916 by the Chief Court, Lower Burma,  
and the Judicial Commissioner, Upper Burma.

RESOLUTION.—The number of cases reported shows an increase of 1,530 cases in Lower Burma and an increase of 1,044 cases in Upper Burma. The increase in the number of cases under Section 34 of the Police Act in Mandalay (1,055) is practically responsible for the whole increase in Upper Burma. Out of a total of 2,109 such cases 290 were classed as being false. The report of the District Magistrate that the Police have been hasty in prosecuting in these cases, affords an illustration of the necessity for closely watching the administration of special and local laws, which was emphasized in the Resolution for 1915. Another illustration may be found in the sudden institution under the Forest Act of 170 prosecutions in Minbu District for the non-return of bamboo passes, 100 of which cases were withdrawn on the protest of the District Magistrate. The number of cases brought to trial under the Forest Act has increased from 1,386 to 1,736, and the number of persons under trial for offences under the Forest Act has increased from 2,109 to 2,773. Such large increases on last year's figures, which were considered to be startling, indicate that there is a strong tendency to have recourse to the Criminal Courts in matters which should be settled executively. This inference is confirmed by the particular case cited from the Minbu District. Orders have not yet been passed by the Local Government on the report from the Chief Conservator which was called for in last year's Resolution. The large increase in cases under the Forest Act for the current year will be taken into consideration when the report is being considered.

2. The Honourable Judges of the Chief Court report that District Magistrates make but little use of their special powers, and consider this fact to be one of the most regrettable features of the administration of criminal justice in Lower Burma. It is pointed out that this tendency is especially noticeable in the more important and populous districts. The Lieutenant-Governor considers it to be highly important that District Magistrates should be at the head of the criminal administration of their districts in fact as well as in name. It is however questionable whether this object can best be achieved by requiring them personally to try a larger number of criminal cases under their special powers. The fact that the tendency mentioned is most noticeable in the more important districts suggests that it is the inevitable result of the pressure of other duties. It is presumed that,

in the cases cited, where the District Magistrate has practically ceased to participate in the work of trying criminal cases, the Commissioner of the Division concerned has assented to this course of action after having been convinced that adequate reasons had been given for its adoption. The responsibilities of the District Magistrates with respect to criminal administration are indicated below in paragraph 9 of this Resolution, and it is in such directions, rather than by means of an increased participation in the work of trying cases, that their assistance in dealing with the problems of crime can be most effectively exercised. Sir Harcourt Butler agrees with the Honourable Judges in their opinion that if District Magistrates have no time to try cases, Additional District Magistrates, rather than Special Power Magistrates, should be appointed. It is impossible to carry out this policy to any great extent at present, owing to an extreme shortage of the classes of officers from which the selection of Additional District Magistrates can be made. It is however intended, on the return of normal conditions after the war, to consider the appointment of Additional District Magistrates to all districts where the District Magistrate is precluded by the pressure of other duties from participation in the trial of criminal cases.

3. The variation in the duration of cases is most conveniently studied by a reference to the graphs (No. IV) attached to the two reports. The Honourable Judges of the Chief Court accept the increasing average period of duration in original cases in Lower Burma as a regrettable fact. In Upper Burma an analysis is made of the causes which have led to excessive duration in certain cases. The Local Government has recently suggested to the Honourable Judges of the Chief Court and the Judicial Commissioner, Upper Burma, the adoption of an amended system of periodic statements of criminal cases, which, while largely reducing the amount of clerical and supervising work to be performed, will serve to bring to the notice of the District Magistrate in a prominent manner, all cases in which the period of duration is such that enquiry may reasonably be made. The adoption of the suggested statements will, it is anticipated lead to the immediate detection of instances of undue duration, and give an opportunity for the causes to be investigated and removed.

4. Both the Honourable Judges of the Chief Court and the Judicial Commissioner, Upper Burma, have given careful attention to the working of the preventive sections of the criminal law. The extent to which these sections have in some districts been used beyond their intention is demonstrated by the quotation to the effect that Burmese magistrates, police and headmen all think that these cases partially fail if the security is furnished. The Judicial Commissioner, Upper Burma, discusses the limitations of the powers conferred by these sections, and recommends that power should be given to remove dangerous criminals for an indeterminate period from the scene of their operations, as villagers and townsfolk giving evidence dread reprisals when the term of imprisonment or security expires. Such a remedy would involve legislation, and as the question of conferring powers to impose sentences, or detention, or removal, or security, for an indeterminate period, is highly controversial, this course cannot be relied upon for relief at present. It is possible that too much has been expected from the working of the preventive sections in the past. The primary causes of the undue amount of crime in Burma have recently been investigated. They are as yet but imperfectly

understood. Sir Harcourt Butler thinks it possible that they are wider and deeper than have hitherto been appreciated. The preventive sections need to be supplemented by active measures of organization, such as are suggested in paragraph 9 below. Within their limits, these sections are of the greatest assistance to the administration. But nothing can be gained, by straining their provisions to achieve objects beyond their legitimate sphere of action.

5. A most satisfactory feature of the report is the decline in the number of sentences of imprisonment in both Upper and Lower Burma. The combined figures show a reduction of 236 sentences, from 21,599 in 1915 to 21,363 in the year under report. Still more satisfactory are the decreases in sentences of imprisonment for 15 days and under, the numbers of which fell by 364 in Lower Burma and 11 in Upper Burma. The Judicial Commissioner, Upper Burma, points out that the figures include cases of imprisonment till the rising of the Court, which might be excluded from the returns. Sir Harcourt Butler, while appreciating the care which must have been exercised both by trying Magistrates and by supervising Courts in effecting these reductions, agrees with the Honourable Judges in their opinion that there is still room for great improvement in this respect, and shares their hopes that the figures for next year will show still further decreases. Special care should be taken to avoid the infliction of short terms of imprisonment on youthful offenders. Such sentences only serve to bring this class of offenders into contact with mature criminals in the ordinary jails. In the rare cases where it is necessary to inflict a sentence of imprisonment on a boy under 18 years of age, the term of sentence imposed should have reference to the reformatory effect of the training to be given to the offender under the educational system which is followed at the juvenile jail at Meiktila.

6. Fines to the amount of Rs. 8,68,525 were imposed by the Courts, and Rs. 1,09,765, or nearly 13 per cent. of the total amount imposed, remained unrealized. Although no statistics are given of the number of persons imprisoned in default of payment of fine, the large percentage of unrealized fines shows that a large proportion of the 89,192 persons sentenced to this form of punishment must have suffered imprisonment. In order that the instructions of the Courts Manuals of both Upper and Lower Burma, prohibiting the imposition of excessive fines, might be rendered more effective, it was recommended in last year's Resolution that section 388 of the Code of Criminal Procedure, permitting the suspension of the execution of a sentence of imprisonment in default for a period of 15 days, should be habitually applied. The Local Government has since suggested to the Honourable Judges of the Chief Court, and to the Judicial Commissioner, Upper Burma, that in the daily and weekly lists of completed criminal cases it should be specifically stated, in regard to every case of imprisonment in default, whether the provisions of section 388 of the Criminal Procedure Code have been applied. This course should ensure that every instance of the imposition of an excessive fine will be brought prominently to the notice of the supervising Courts, and that departures from the specific instructions issued will be considered and rectified in revision.

7. The number of first offenders released on security under section 562 Criminal Procedure Code declined in both Upper and Lower Burma. It is probable that last year's resolution was published too late for its suggestions to

have had much effect on the figures for the year under report. It is satisfactory to note that several District Magistrates in Lower Burma have taken trouble to instruct their subordinate Magistrates as to their responsibilities under this section. This course is commended to the District Magistrates of those districts in Upper Burma, where insufficient use of this provision of the law seems to have been made, and where Burmese Magistrates, thinking that this section enables the accused to escape punishment, are slow to make use of this section. The necessity of bringing home to each Magistrate in his district, the meaning of the various provisions for mitigating the rigours of the normal criminal procedure in those special cases where its full application would be harsh or severe, must be appreciated by each District Magistrate, or else the clearly expressed intention of the law will be frustrated.

8. The number of Benches of Honorary Magistrates increased from 32 to 34 in Lower Burma. In Upper Burma there was no change, the number of Benches being 13, the same as in the previous year. The number of cases tried by Honorary Magistrates rose from 34,433 to 35,978. In the Resolution for last year the question whether 45 Benches of Honorary Magistrates were adequate for Burma was raised, and the Honourable Judges of the Chief Court, the Judicial Commissioner, Upper Burma, and Commissioners of Divisions were subsequently addressed in this respect. The action taken had but little effect during the year under report, but it may be mentioned that, up to the date of the issue of this Resolution, 12 new Benches with a total number of 58 Honorary Magistrates have been established, and four of the existing Benches have been enlarged by the addition of one extra Magistrate to each of them. The Bench at Rangoon has been strengthened by the conferment of first class powers on six Honorary Magistrates. Further proposals to establish seven more Benches of Honorary Magistrates are still under consideration. The result of this extension of the sphere of the jurisdiction of Honorary Magistrates will not be apparent till the next report on criminal administration is received. It is probable that it will have an appreciable effect in relieving stipendiary Magistrates of their heavy case work in the more populous districts. But it is rather in associating the people more closely with the administration of justice, and in bringing to the treatment of certain classes of crime a class of Magistrates necessarily in close touch with public opinion, that the full advantages of this action are anticipated. Sir Harcourt Butler takes this opportunity of thanking those Honorary Magistrates, who in the past have performed so efficiently and expeditiously their important duties, and of welcoming those who are now voluntarily undertaking for the first time similar duties in other towns and districts.

9. The tables appended to the Resolution on the Prison Administration Report for 1916 show an increased jail population as compared with the remarkably high figures for the previous year, and indicate that the problem of the correct method of dealing with crime in Burma has yet to be solved. It is comparatively easy to suggest that increasing crime should be met by providing more police, more magistrates, and more jails. Apart from the fact that each of these suggestions involves heavy expenditure, a most important consideration in Burma, it is certain that they do not afford a complete solution of the problem. They deal with symptoms only, not with the causes of crime. The undue prevalence of crime in Burma is a symptom of the mal-adjustment of the administration to the

conditions and the temperament of the people. Concrete instances may be cited from the Reports under review. The Honourable Judges of the Chief Court quote the opinion of a Sessions Judge to the effect that criminal courts are abused by being used to gain an advantage in disputes of a civil or revenue nature, and that such disputes may culminate in stabbing, assault and sometimes in murder. Other instances of the abuse of criminal courts which have already been referred to, are the hasty prosecutions under the Police Act in Mandalay, and under the Forest Act in Minbu. There is evidently a wide field of action for District Magistrates in preventing the abuse of criminal administration by hasty, or unconsidered or irregular recourse to the criminal courts under their control. The recent investigations of Mr. English and Colonel Nethersole into the state of crime in the Irrawaddy Division and the Tharrawaddy District respectively, suggest that in our treatment of crime too much reliance is placed on legal sanction, and that crime should be countered more by active measures to organize society, to create a sound public opinion, and to enlist the mass of the people on the side of law and order. Criminal administration must not be regarded as an isolated branch of district administration, in which magistrates, police and jailors carry out their functions in a watertight compartment, independently of the work of all other departments. It is a criterion by which the working of all other active branches of the administration, village, revenue, educational, public works, co-operative and agricultural, can be tested and judged. For instance, the Judicial Commissioner, Upper Burma, considers, in agreement with the Commissioner, Magwe Division, and the District Magistrate, Magwe, that robbery and dacoity would largely decrease, if wealthy villagers had some place of safe deposit for their money. Here is a suggestion that the problem of crime is not merely a question of magistrates and police, but a matter for co-ordinated action between the Treasury, the Post Office, the Co-operative and the Financial Departments. It is for the District Magistrate, as head of his district, to take the initiative with regard to such measures requiring co-operation between various departments, and to provide the stimulus needed for carrying them through. It was suggested, from the consideration of last year's Reports on Criminal Administration, that there was not adequate control of subordinate courts and of the sentences passed by them. The reports now under review suggest that the responsibilities of the District Magistrate with respect to criminal administration do not end with the perusal and revision of the cases selected from the periodic criminal statements. They include the enquiry into, and the determination of, the causes of crime, so far as they can be revealed by the nature of the cases coming up for trial, the removal of such causes, so far as this can be effected by administrative reforms, the enlistment of the people in the preservation of law and order, and the personal and sympathetic instruction of subordinate magistrates and administrative officers as to the best methods of coping with the more prevalent classes of crime in the district. It is only when District Magistrates realise, and utilise to the full, their powers of co-ordinating the working of the various branches of district administration to this end, that crime will be effectively countered, and the reproach of the abnormally heavy statistics of crime for Burma be removed.

By order of the Lieutenant-Governor of Burma,

C. M. WEBB,

*Secretary to the Government of Burma.*





**REPORTS**  
ON THE  
**ADMINISTRATION OF CRIMINAL JUSTICE**  
FOR THE YEAR 1916.

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**LOWER BURMA.**

**I.—CRIMINAL COURTS.**

1. *Magistrates.*—To give relief to the District Magistrates of Amherst and Tavoy, an Additional District Magistrate was appointed in the Amherst District for the period of six months who was replaced by a Special Power Magistrate with effect from 6th September 1916 and an Additional District Magistrate was appointed in the Tavoy District throughout the year. To relieve the District Magistrate, Tharrawaddy, who was placed on special duty to inquire into the causes of crime in the district, an Additional District Magistrate was appointed at the end of July 1916 for six months. To relieve the Headquarters Assistant, Tharrawaddy, who was placed on special duty from 25th October 1916, the whole-time Special Power Magistrate of Promé was taken away and was not replaced till the end of the year. Statement I.

At Mergui an Additional Magistrate with Special Powers was appointed for three months.

The continued entertainment of the Additional Magistrates, Kungyangon, Myaungmya and Nyaunglebin is sanctioned.

2. *Courts of Session.*—The Tharrawaddy, Bassein, Ma-ubin (now Myaungmya) Sessions Divisions were reconstituted with effect from the 1st January 1916, the Henzada District being transferred from the Tharrawaddy to the Bassein Division and the Myaungmya District from the Bassein to the Myaungmya Division. The Sessions Judge, Tharrawaddy, was appointed Additional Sessions Judge, Bassein Division, and was directed to take three-quarters of the Henzada Sessions. To save time spent in travelling, the Sessions Judge, Myaungmya, was allowed to dispose of Sessions cases from Pyapôn District at Ma-ubin from 1st March 1916 but in consequence of objections raised by the Pyapôn authorities on the ground of waste of time on the part of police and other officers attending as witnesses, Sessions were again held at Pyapôn from 1st November 1916. The new arrangements were only partially successful and it was found necessary to appoint three Additional Sessions Judges in the Bassein Division for short periods. In the Tenasserim Division the results of an excess of work were accentuated by difficulties of travelling and three Additional Sessions Judges were appointed for short periods. Statement I.

3. *Chief Court.*—The appointment of a temporary Additional Judge was continued up to 5th June 1916.

**II.—OFFENCES REPORTED.**

4. *Offences under the Indian Penal Code.*—The number of cases reported under the Indian Penal Code remained at the same level as last year being 38,344 as against 38,127. These figures represent merely the work which was set before the criminal courts. They do not include cases reported to the police but remaining undetected, or classified as false or mistaken, or the uncertain number of offences which are not reported at all, and therefore afford no precise indication of the real volume of crime in Lower Burma which police and executive officers are in a better position to estimate than are the Hon'ble Judges. The causes of crime have frequently been discussed and it is considered sufficient in Statement II.

this report merely to indicate variations under the more important heads, without attempting to analyse the social conditions of which they are the outcome. But the Hon'ble Judges would place on record the opinion of the Sessions Judge, Myaungmya, in which he traces a certain proportion of crime to deficiencies in administration.

"Charges of theft and trespass are freely preferred and the criminal courts are applied to, presumably, because they are more expeditious than civil and revenue. Also, if he can get his adversary into jail for the time being, obviously it is a distinct advantage from the cultivator's point of view, since he gets a free hand to do what he likes on the land during his incarceration. A very large number of cases of a quasi-civil nature undoubtedly come to the criminal courts. The cultivators are clearly not satisfied with the civil or revenue courts nor are the decisions of the criminal courts by any means infallible. I have seen cases in which it was quite impossible to tell the rights of the case either from the documentary or oral evidence on the record. The only remedy in such cases seems to be for the magistrate to visit the spot and hold a local inquiry, which is not always possible. What is wanted is an officer with powers to make a summary settlement after visiting the spot. These disputes frequently culminate in stabbing and assault cases and sometimes in murder."

True cases of dacoity decreased in number from 201 to 147. The variations under the heads of robbery, house-breaking and lurking house trespass were negligible. True cases of cattle theft increased from 1,565 to 1,643. These figures do not represent the actual number of true cases of this description which were dealt with by the Courts, of which some fall under the head of receiving stolen property while a considerable number end in convictions under section 215 of the Code. The number of offences affecting life reported during the year and remaining pending from the previous year was 548. Of these 540 were brought to trial and 457 were classified as true of which 415 were cases reported in 1916. Of this total 305 were cases of murder, 40 cases of attempt to murder and 29 cases of culpable homicide, the remainder falling under other heads. The number of persons under trial was 707 of whom 270 were convicted. There were 1,324 cases of grievous hurt reported of which 1,007 were classified as true.

Statement  
II.

5. *Offences under Special and Local Laws.*—The number of offences reported during the year under Special and Local Laws was 49,002. Including those pending from the previous year 48,372 cases involving 85,183 persons were brought to trial of whom 18,807 were acquitted or discharged and 61,262 convicted. These figures include those relating to proceedings under the preventive sections of various enactments which are dealt with in paragraph 11. The number of true cases reported during the year under the Excise Act rose to 5,165 from 4,799. Several districts showed considerable increases of which the most notable was one of 87 per cent. in Insein while the highest figure is from Tharrawaddy 666. In Rangoon the decrease from 849 to 700 noted in last year's report was followed by a further decrease to 554 which is again ascribed to a diminution in the cocaine traffic. Cases under the Opium Act decreased from 2,293 to 2,072; Rangoon alone shewing a fall of 177 cases.

Under the Forest Act there was an increase from 768 to 871, Amherst and Pegu being each responsible for 80 more true cases than in the previous year. In the former district the District Magistrate appears to have given his personal attention to the matter and reports that he is satisfied that an increase in prosecutions was necessary; in the latter the reason is reported to be that timber and fuel outside the reserves are becoming scarcer with the extension of cultivation. The number of cases under the Village Act is no sure criterion of the extent to which it is made the basis of criminal prosecutions as there are reasons for believing that the practice of trying jointly a number of persons who should be tried in separate cases, which has been brought to notice in former years, has not completely died out. But it is noteworthy that 17 complaints under the Act are reported to have been dismissed under section 203, Criminal Procedure Code. The number of persons under trial during the year was 1,815 of whom 522 were acquitted or discharged.

The number of offences reported under the Gambling Act was 2,923 of which 2,023 were found to be true. The number of persons under trial was 22,566 of whom only 9,823 or 43 per cent. were convicted. This low percentage of convictions is not abnormal and is common to nearly every district. It is partly due to the difficulty of obtaining the evidence of reputable and credible witnesses but

appears to shew that in some cases prosecutions are initiated without due discrimination.

The number of offences reported under the Indian Railways Act increased from 1,334 to 1,518. Of 1,877 persons who were under trial during the year 1,588 were convicted and 252 were acquitted or discharged. In Rangoon there were 591 persons under trial and in Pegu 348. The Sessions Judge, Toungoo, Mr. Duckworth, notes that fines imposed under section 112 for travelling without payment of fare are often quite inadequate, the accused being in many cases habitual offenders who travel for the purpose of committing theft.

Under the Workman's Breach of Contract Act there were 752 applications as against 893 in 1915. Of these 84 were summarily rejected. In Tavoy the number of applications decreased from 69 to 40 and in Mergui from 411 to 239. In Tavoy 25 applications were summarily rejected. In Mergui 249 persons appeared as respondents before the Courts but in 177 cases no orders adverse to them were made. It is not clear whether this indicates that more care should have been taken in dealing with applications before issue of process or that a large number of cases were compromised. In Rangoon the number of applications increased from 232 to 324, of which 31 were rejected without issue of process. The number of persons before the courts was 297. Orders were made against 105. Applicants were unsuccessful in the cases of 91 persons while 93 cases appear to have ended in a compromise, neither party appearing to proceed with the case.

The statistics of offences under other laws give little scope for comment, except in the case of Rangoon Town where the number of persons under trial for offences under Special or Local Laws was 34,994. In the year under report prosecutions under the Factories, Fisheries, Cattle-Trespass, Prevention of Cruelty to Animals and Cantonment Acts all decreased in number, and there were no cases under the Vaccination, Poisons, Inland Steam-Vessels and Victoria Memorial Park Acts. Prosecutions under the Hackney Carriages Act increased from 193 to 590, under the Municipal Act from 2,863 to 3,218 and under the Rangoon Port Act from 2,893 to 3,998. Prosecutions under the Motor Vehicles Act increased from 101 to 178. These were mainly for breaches of the rules under the Act as cases of rash or negligent driving are usually dealt with under the Indian Penal Code. Prosecutions under the Rangoon Police Act decreased by 506 to 11,447. The bulk of these are for offences against public convenience or decency and are disposed of by the Honorary Magistrates but the figures include a number of prosecutions under sections 30 and 31 of which the object is the prevention of offences against property and the control of habitual criminals. The number of cases found to be true was 11,387; the number of persons convicted being 19,063 out of 21,967 before the Courts. In no case can it be said that the proportion of unsuccessful cases is, considering the circumstances affecting the administration of any particular Act, unduly large. It is particularly worthy of note that of 4,039 persons brought to trial for offences under the Rangoon Port Act all but nine were convicted.

6. *Complaints summarily dismissed.*—The number of complaints summarily dismissed under section 203, Code of Criminal Procedure, was 3,802. No comparison is possible with the figures of previous years in which appear to have been included applications under the Workman's Breach of Contract Act which were rejected *in limine* and it is possible that the above total includes a few applications so treated under other Acts.

7. *Classification of cases.*—The percentage of cases returned as true to the number reported was 79·77 as against 80·43 in 1915. The lowest percentage 60·56 was in Kyaukpyu, and the highest 92·65 as usual in Rangoon. In spite of repeated insistence on the necessity of classifying cases according to the rules many Magistrates still persist in ignoring them. Statement II.

### III.—ORIGINAL JURISDICTION.

8. *General Statistics.*—There were 84,141 cases brought to trial as against 83,240 in 1915 and 80,145 in 1914. Of these 35,769 were under the Indian Statement II.

Penal Code and 48,372 under Special and Local Laws. At the end of the year 6,660 persons remained under trial.

Statement  
IV.

9. *Magistrates' Courts.*—The number of cases disposed of by District Magistrates was 619 as against 658 in 1915 and 660 in 1914, while Additional District Magistrates disposed of 114. The number of special power cases was 2,047 of which only 283 were disposed of by District Magistrates. Senior Magistrates disposed of 82, Additional District Magistrates of 44, while the remainder 1,638 fell to other Magistrates. The fact that District Magistrates make so little use of their special powers is in the opinion of the Hon'ble Judges one of the most regrettable features of the administration of Criminal Justice in Lower Burma, and is especially noticeable in the more important and populous districts. To cite a few conspicuous examples the District Magistrate disposed in Hanthawaddy of one case out of 112, in Prome of one out of 274 and in Insein and Bassein of none out of 74 and 204 respectively. As a result it has been found necessary to confer powers under section 30, Code of Criminal Procedure, on more subordinate Magistrates, the number of such Magistrates having increased from 15 to 25 in the last two years. It is increasingly difficult to find Magistrates competent to exercise special powers; and if District Magistrates have no time to try the cases, Additional District Magistrates should be appointed.

Benches of Honorary Magistrates disposed of 28,466 cases as against 27,563 in 1915 of which the Rangoon Bench accounted for 21,151 as against 20,251 in 1915.

The percentage of summary trials to the total remained the same as last year, 43.

Statement  
IV.

10. *Results of enquiries and trials before Magistrates.*—The number of persons whose cases were disposed of by Magistrates, the number of persons who were convicted, committed or had their cases referred were in round numbers 132 and 86 thousand the same as in 1915. The percentage of conviction, committal and reference was 65.39 as against 65.13 in 1915. In the Courts of subordinate stipendiary Magistrates and of Honorary Magistrates the percentages were 55.67 as against 55.7 and 86.79 as against 86.6 respectively; but in the Courts of District Magistrates the percentage increased from 58.04 to 61.23.

Statement  
III.

11. *Preventive proceedings.*—The number of persons ordered to enter into a bond to keep the peace under section 106, Code of Criminal Procedure, was 32. There were 21 cases under section 107 involving 34 persons of whom 29 were ordered to enter into bonds. Under sections 109 and 110 there were 1,814 cases involving 1,840 persons before the Courts. Of these one died and 21 absconded, while the cases of 57 persons remained pending at the end of the year. Prosecutions were unsuccessful in the case of 287 persons and successful in the cases of 1,473. Under section 17, Burma Gambling Act, 39 persons, under section 3, Burma Opium Law Amendment Act, 153 persons, and under section 31A, Rangoon Police Act, 79 persons were ordered to enter into bonds for good behaviour. The total number of persons ordered to enter into bonds under the abovementioned provisions was 1,805, of whom 1,034 were imprisoned in default for part or the whole of the term of the bond. The intentions of the legislature in enacting these provisions of law and the way in which they should be used have frequently been explained by the Hon'ble Judges of this Court, and of the High Courts of other Provinces in published rulings. They are, briefly, that prosecutions should be confined to habitual and dangerous criminals, that every effort should be made to obtain sureties and to fix the amount of sureties at reasonable figure, and that only in the last resort should respondents be imprisoned. The abuses which result from a neglect of these precautions have been insisted on no less frequently. They are briefly the harassment of innocent persons or petty offenders, the manufacture of criminals and a tendency on the part of those responsible for bringing offenders to justice to relax their efforts for the detection of specific offences.

It is also a matter of common knowledge that there is a large body of opinion to the effect that the law as described above is ineffective and that the object of the law, the prevention of crime, is not attained unless respondents are

imprisoned. This point of view is temperately put by the District Magistrate of Thayetmyo. He says, "It is I think useless to deplore the fact that Burmese Magistrates, Police and headmen all think that these cases partially fail if the security is furnished. They know the people and what goes on in the village so much better than we do that I should hesitate to say they are more than theoretically wrong. Security has some restraint on the local thief but has little with the professional criminal whose beat is probably in adjoining districts." The volume of crime in Lower Burma constitutes an administrative problem of great gravity the difficulties of which the Hon'ble Judges would be the last to minimize, and all possible methods of prevention are fit subjects for close examination and serious discussion. But the immediate duty of Magistrates and Police officers is to administer the law as it is and not as they think it ought to be.

The reports of District Magistrates and Sessions Judges afford good ground for believing that the duty is generally realised and it is clear that great attention has been devoted to the proper working of the law during the year under report. Several District Magistrates are content to say that only habitual and dangerous criminals were proceeded against, that there was no tendency to fix the amount of security at an unduly high figure and that the law has been worked with discretion. The District Magistrate of Thayetmyo notes that it is the practice to institute prosecutions at the beginning of the open season with the result that if the respondent is imprisoned he is released just at the time when agricultural operations are closing and the opportunities of earning an honest living are diminishing. He proposes to review every case at the beginning of the rains with a view to releasing agriculturists. In Insein an increase is reported to be due to action taken against habitual dacoits inhabiting villages near the Rangoon border. In Tharrawaddy the percentage of success in cases under sections 109 and 110, Code of Criminal Procedure, was 91·36 while of 14 cases under the Opium Law Amendment Act 13 were successful and in the other the respondent absconded. The District Magistrate reports that the number of prosecutions under this Act might appropriately have been multiplied by ten or twenty. In Tavoy the percentage of successful prosecutions was only 50 but it is reported that good results were obtained in the prevention of house-breaking and the reform of work-shy Chinese coolies who had taken to vagabondage. The Sessions Judge, Myaungmya, while noting an improvement in many respects, considers that the proportion of persons imprisoned in his division was still far too high. He instances one case where a boy of 16 was together with his father imprisoned in default of giving security as an habitual thief. In all three districts of the division there was a considerable decline in the number of cases and it is clear that this was the result of greater care and discretion in sanctioning prosecutions. In Ma-ubin the District Magistrate found it necessary to reduce the amount of security demanded in 12 cases and the term of the bond in four cases. In Rangoon the District Magistrate reports that it appeared to be the custom for Magistrates to demand a stereotyped amount of security in cases under section 31A, Rangoon Police Act, and that as a result of his instructions more discretion has been exercised during the year under report. But the improvement in this respect has had little effect on the number of persons imprisoned in default. Most of them cannot furnish sureties even in the amount of twenty-five rupees and appear to be the dregs of the town. The cases of 25 persons were referred to Sessions Judges under section 123 (2), Code of Criminal Procedure, and in every case but one the order of the Magistrate was confirmed.

12. *Courts of Session.*—The number of cases committed to Sessions during the year was 560 as against 600 in 1915. The number of persons under trial was 984 as against 1,044. The percentage of convictions was 59·49 as against 58·99. In the Myaungmya Division it was 79·83 and in the Prome, Toungoo and Tenasserim Divisions 52. Statement.  
IV.

13. *Chief Court.*—The number of cases committed to the Chief Court during the year was 40 involving 67 persons as against 45 involving 72 persons in 1915. Thirty-eight cases involving 66 persons were disposed of and of these 66 persons 23 were discharged or acquitted and 43 were convicted. The percentage of conviction was 65·15 as against 57·52 in 1915. Statement.  
IV.



Statement  
IV.

14. *Duration*.—The average duration of all criminal cases rose to 15 days the highest figure ever reached in Lower Burma and one which compares unfavourably, with two exceptions, with those for other Provinces. The figure in 1897 was 9 and 1906 was the first year in which an average of 12 days was recorded. The total of cases, moreover, on which the average is calculated includes an increasing fraction—in 1916 well over a third—of cases tried by benches of which the average duration is very low, the highest figure being four days in 1914 and in the year under report. The figures for stipendiary Magistrates sitting singly, in whose Courts the main bulk of the more important classes of criminal case is disposed of, shew a more serious increase. In 1897 the figure was 11 and in 1898, 10, while 1905 was the first year in which 15 was reached. In the year under report it was the highest on record, 20. The success of the bench day system in reducing durations in Thaton remains doubtful. The durations of Special Power cases shew little improvement and are still far too high. The figure for Courts of Session rose from 45 to 59. The highest was in Bassein (83) and the lowest in Toungoo (27).

Statement  
IV.

15. *Witnesses*.—The number of witnesses examined increased from 330,110 to 333,178.

#### IV.—PUNISHMENTS.

Statement  
V.

16. *General Statistics*.—There were 116 sentences of death referred to the Chief Court for confirmation including cases pending from the previous year as against 111 in 1915 and 86 in 1914. The sentence was confirmed in 75 cases as against 57 in 1915 and 63 in 1914, reversed in 13 cases as against 21 in 1915 and 9 in 1914 and altered in 15 cases as against 23 in 1915 and 8 in 1914. Thirteen sentences remained pending at the end of the year. One man was sentenced to death by the Chief Court sitting as a Court of Session.

The number of persons sentenced to transportation decreased from 499 to 425. The number of persons sentenced to imprisonment was 17,704 as against 17,856. Of these 3,137 were sentenced to simple imprisonment. The number sentenced to imprisonment for 15 days and under was 3,999 as against 4,363. The objections to such sentences have frequently been stated and the Hon'ble Judges are glad to note this decrease. But there is still room for great improvement and the Hon'ble Judges hope that the figures for next year will shew a still further decrease. Solitary confinement was imposed as a punishment by the Courts in 686 cases as against 754 in 1915.

Statements  
V and V-A.  
Statement  
V-A, Part  
III.

The number of whippings inflicted was 1,722 as against 1,700. The detailed statistics exhibit no noteworthy features. The number of juveniles whipped was 116 and the number of illegal sentences 8.

Statement  
V.

17. *Fines*.—The total amount of fines imposed was Rs. 6,11,980 as against Rs. 5,83,538 and the amount realised Rs. 5,29,369 as against Rs. 4,83,598. The amount paid in compensation under section 545, Criminal Procedure Code, was Rs. 27,348 as against Rs. 32,025.

Statement  
III.

Complainants were called on to shew cause against being ordered to pay compensation under section 250, Criminal Procedure Code, in 85 cases and were ordered to pay in 76 cases of which 23 were in Rangoon.

Statement  
IV.

18. *First and youthful offenders*.—The number of persons released on security under section 562, Criminal Procedure Code, decreased from 1,148 to 914. The Hon'ble Judges are of opinion that there is still scope for a larger use of this provision and note with satisfaction that several District Magistrates appear to have taken some trouble to instruct their subordinate Magistrates in the matter. The number of persons proceeded against under section 563 was 61 as against 40 in 1915. In Tharrawaddy two children were released under the provisions of section 130, Indian Railways Act. Six youthful offenders were discharged under section 31 of the Reformatory Schools Act and 16 were delivered to parents or guardians. The sentences of 19 persons were commuted to detention in a reformatory school.

## V.—APPELLATE JURISDICTION.

19. *Appeals disposed of and pending.*—There were 9,370 appeals by convicted persons before the Courts as against 9,218 in 1915. The number before District Magistrates and Magistrates empowered under section 407, Criminal Procedure Code, decreased by 319—of which 184 are accounted for by an abnormal increase in Mergui in 1915—while the number before Courts of Sessions increased by 422, and the number before the Chief Court by 49. The cases of 597 persons remained pending at the end of the year as against 399 at the end of 1915. Statement VI.

The Local Government preferred six appeals against the acquittals of 63 persons during the year; being successful in case of one person, the cases of the others being pending at the end of the year.

20. *Results of appeals.*—The percentage of sentences wholly confirmed to the total disposed of by all Appellate Courts was 70·41 as against 69·37 in 1915 and 68·74 in 1914 and the percentage of sentences completely reversed 16·21 as against 15·89. In Sessions Courts the percentage varied from 79 to 65 and from 11 to 19. In the Chief Court the percentage of confirmation increased from 71·27 to 73·76 and that of complete reversal from 13·27 to 14·44. Statement VI.

21. *Duration.*—The average duration of appeals in all Courts was 22 days as against 25 in 1915, in the Chief Court 37 days as against 32, in the District Magistrates' Courts 11 days as against 8. In Courts of Session, in which nearly two-thirds of the appeals are preferred, the duration decreased from 28 to 21 days. The Sessions Judges, Arakan and Toungoo, again showed the shortest durations of 7 and 8 days respectively and in the new Myaungmya Division the duration was 10 days. The highest duration—38 days—was in the new Tharrawaddy Division. Statement VI.

## VI.—REVISIONAL JURISDICTION.

22. *District Magistrates.*—The number of cases before District Magistrates was 6,760 as against 5,584 involving 11,698 persons as against 10,604. Further enquiry was ordered in regard to 252 persons as against 193 and the cases of 108 were referred to the Chief Court as against 193. The Hon'ble Judges note with pleasure the increased interest taken by most District Magistrates in this important part of their duties. The District Magistrates, Tharrawaddy and Hanthawaddy, revised 754 cases and 643 cases respectively. The District Magistrate, Henzada, revised only 60 of which only 27 were called for on the Magistrate's own motion. Statement VI.

23. *Sessions Judges.*—The number of persons whose cases Sessions Judges had before them in revision was 3,862 as against 3,838. Further enquiry was ordered in the case of 35 persons as against 46 and the cases of 178 persons were referred to the Chief Court as against 196. Statement VI.

24. *Chief Court.*—The cases of 2,189 persons came before the Chief Court in revision as against 1,777. The orders of lower Courts were confirmed in 1,644 cases as against 954, sentences were enhanced in 39 cases as against 23, reduced in 94 as against 74 and reversed in 217 as against 196. Statement VI.

## VII.—MISCELLANEOUS.

25. *Inspections.*—Mr. Justice Parlett inspected 28 Courts in the Amherst and Thaton Districts.

The Sessions Judge of Toungoo inspected 28 Courts, the Sessions Judge of Myaungmya 18 Courts. The Sessions Judges of Tharrawaddy and Bassein inspected no Courts.

District Magistrates did a satisfactory amount of inspection except at Thaton where only three Courts were inspected and Mergui where none were inspected.

26. *Note on the graphs appended to the Report.*—The fluctuations in the number of cases brought to trial, and the number of such cases per 10,000 of the population are difficult to explain in detail.

The most important point is that on the whole there has been a steady increase in the former, which amounts over the whole decennium to 11,000 cases. The increase in cases



under the Indian Penal Code has been steady and amounts to 4,526. The remainder of the increase is accounted for by cases under Special and Local Acts. The exact increase of population since 1911 being a hypothetical quantity the details of graph III afford no basis for useful discussion. The number of cases returned as true still fails to increase in the same proportion as the number of cases disposed of. But this graph, probably through

Graph II. defective classification by Magistrates, does not represent the true state of things. The number of persons convicted has risen by 13,000 while the number of persons acquitted or discharged was lower in 1915 and 1916 than it was in 1907.

Graph IV. The average duration of cases has been dealt with in paragraphs 14 and 21.

The direction of the curve shewing the number of persons sentenced to rigorous imprisonment is dissimilar to that of the curve shewing the number of persons convicted. The most noticeable feature is that it reached a high level in 1910 dropping again to reach approximately the same level in 1916. The number of persons sentenced to imprisonment for six months and under has decreased since 1910, the number sentenced to imprisonment for two years and under

Graph Va. has slightly increased. The number of persons sentenced to imprisonment for seven years and under and the number sentenced to transportation have both increased in the ten years under discussion but if the

Graph VI. increase in the number of cases under the Indian Penal Code be considered this cannot be held to indicate any tendency to undue severity of punishment.

The number of persons sentenced to imprisonment for fifteen days and under has increased very largely. The objections to such sentences have been frequently stated and the increase is one of the most regrettable features of the decade.

The number of persons sentenced to whipping has varied greatly, but since the introduction of the Whipping Act, 1909, the percentage of whippings to the total number of punishments in cases in which whipping might have been awarded shews a maximum variation of only 5 per cent.

The curve exhibiting the number of witnesses examined has steadily risen and is perhaps the best criterion of the amount of work performed by the Courts.

The variations in the number of cases committed to Sessions depend to a great extent on the amount of relief afforded by temporary additional Judges to the regular Sessions Judges whose numbers are not adequate. In the absence of such relief there is a natural tendency to have cases which might properly be committed to Sessions disposed of by Special Power Magistrates.

In the term applicants for revision is included persons whose cases were called for in revision on the Court's own motion. This curve shews merely the amount of work appellate and revisional before the Courts and its variations depend to some extent on the activity of Magistrates and Judges in calling for cases.

The number of persons who prefer appeals is very small in proportion to the number of persons convicted and no explanation can be given of the yearly variations.

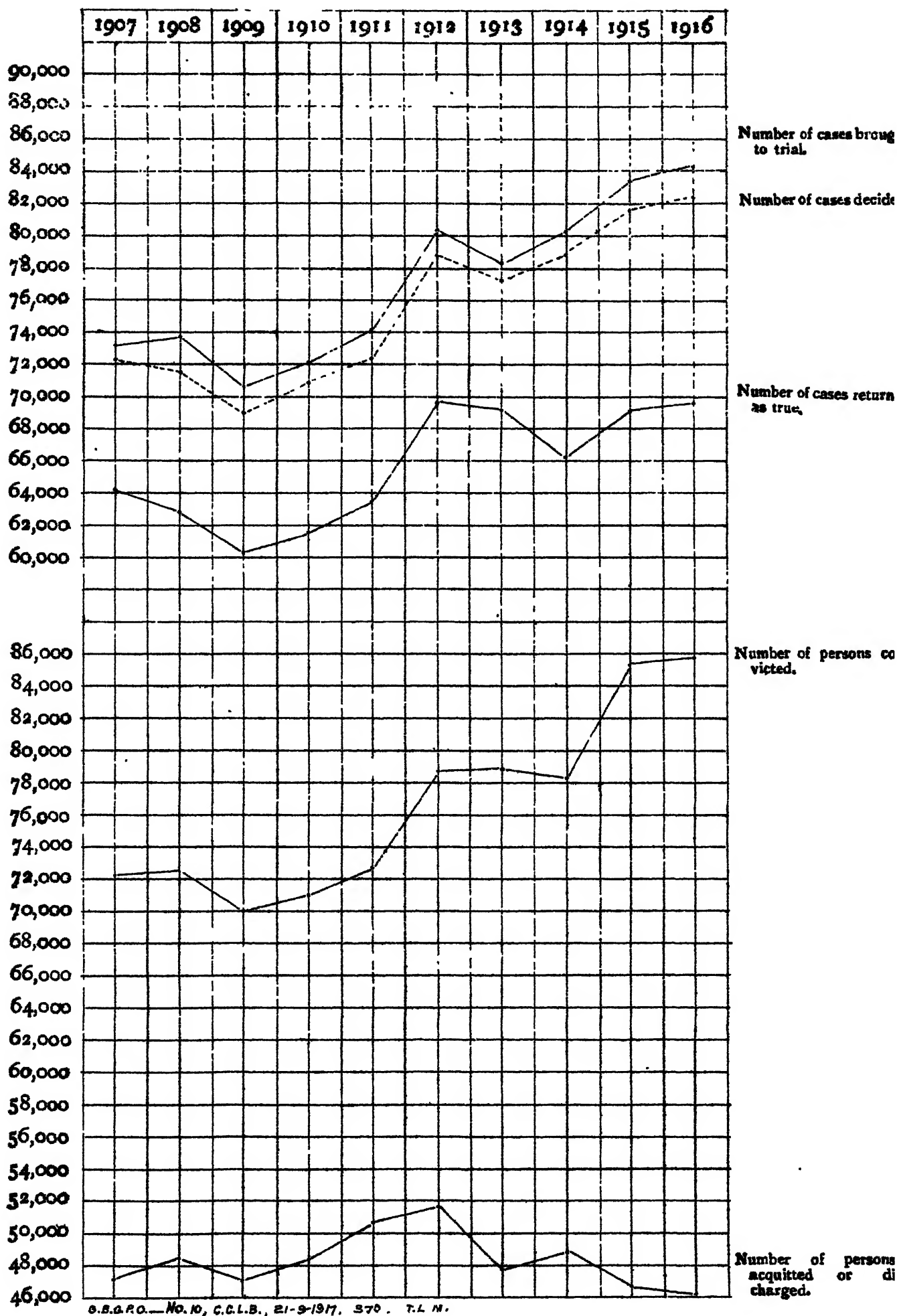
Graph XV. The variations in the percentage of appeals in which convictions were confirmed to the total number disposed of give no ground for believing that the quality of the original work of the Courts has varied to any marked degree and the limit of variation in the decennium is little more than 3 per cent.

By order,

E. G. PATTLE,

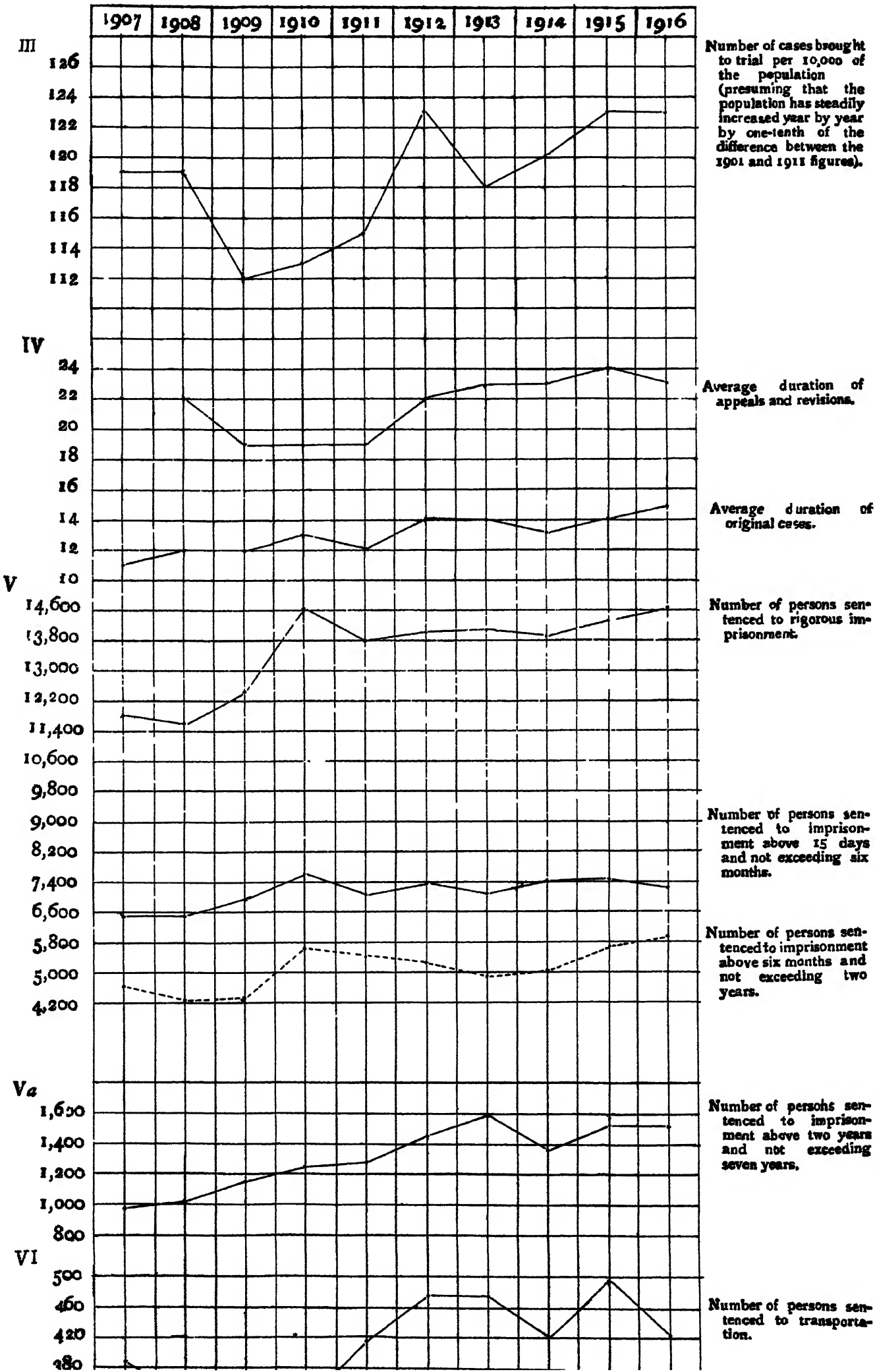
*Registrar, Chief Court, Lower Burma.*

GRAPHS.





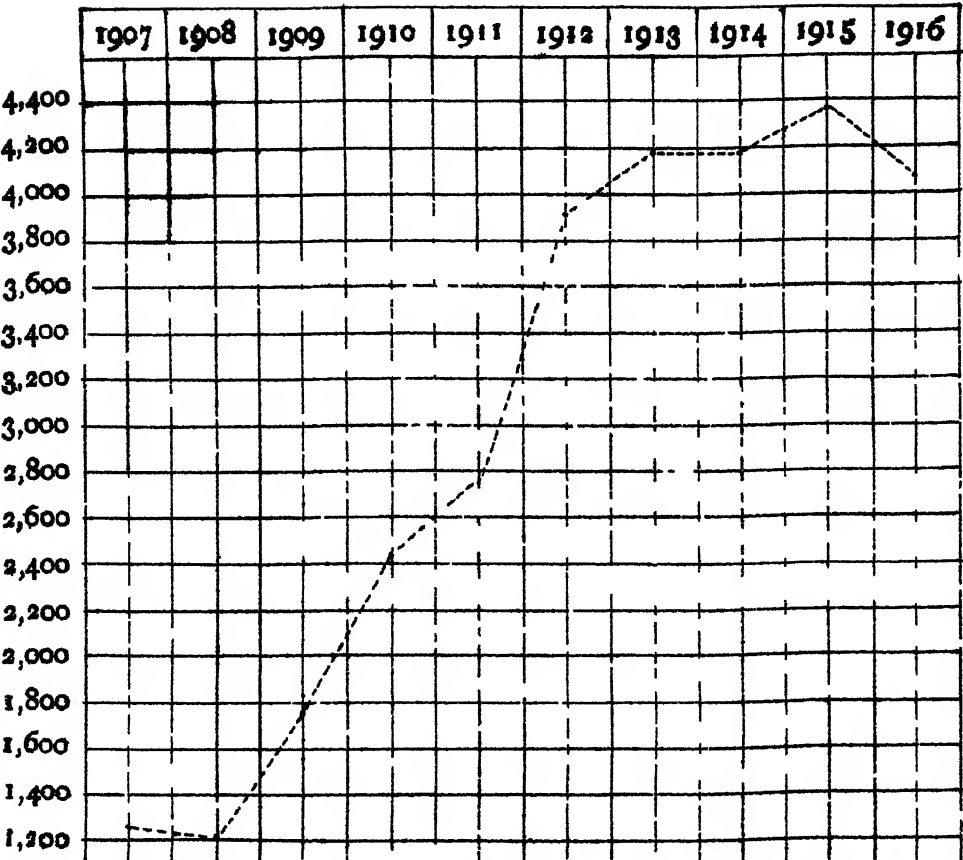
GRAPHS.





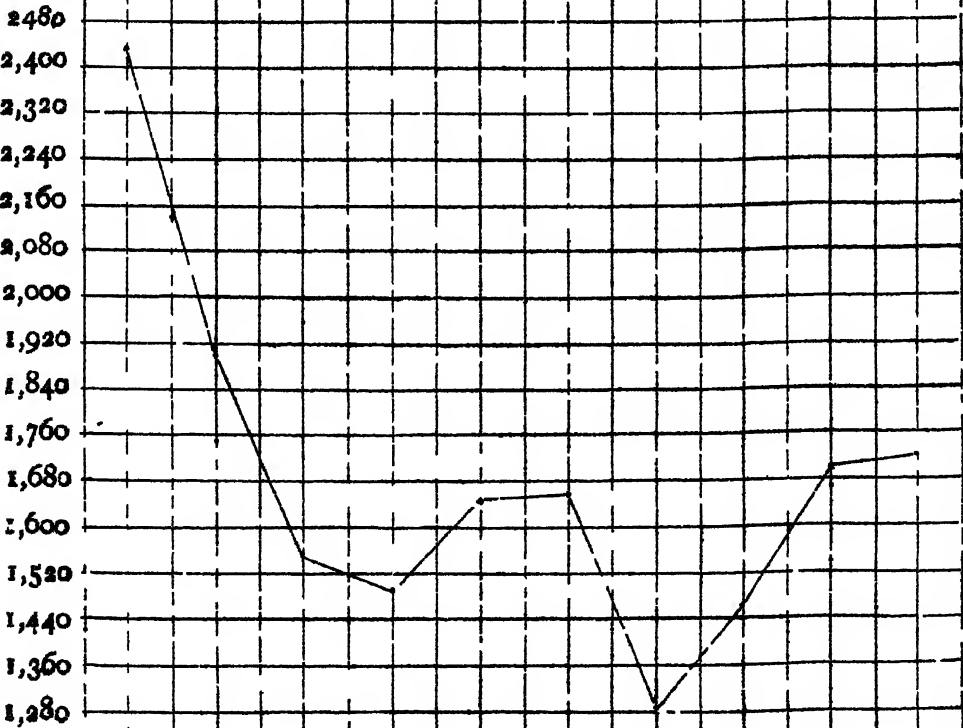
GRAPHS.

VII



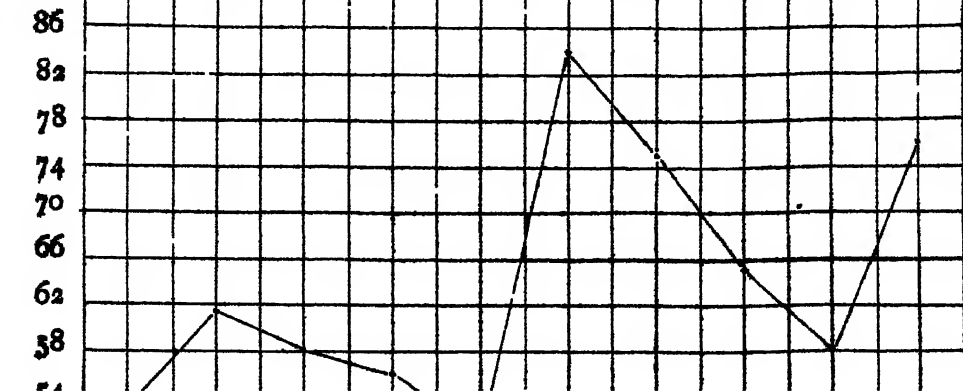
Number of persons sentenced to imprisonment for 15 days and under.

VIII



Number of persons sentenced to whipping.

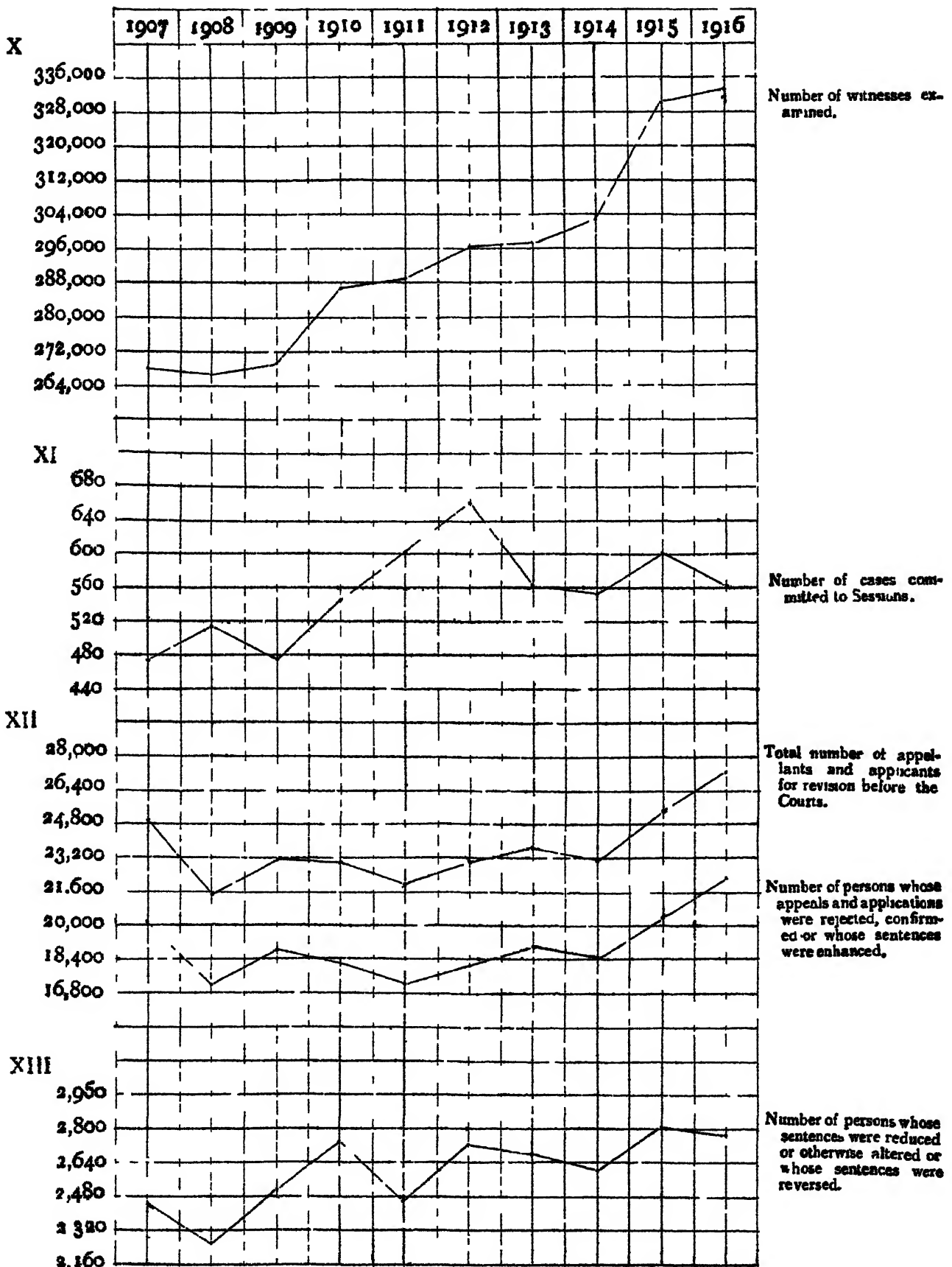
IX



Number of persons sentenced to death.

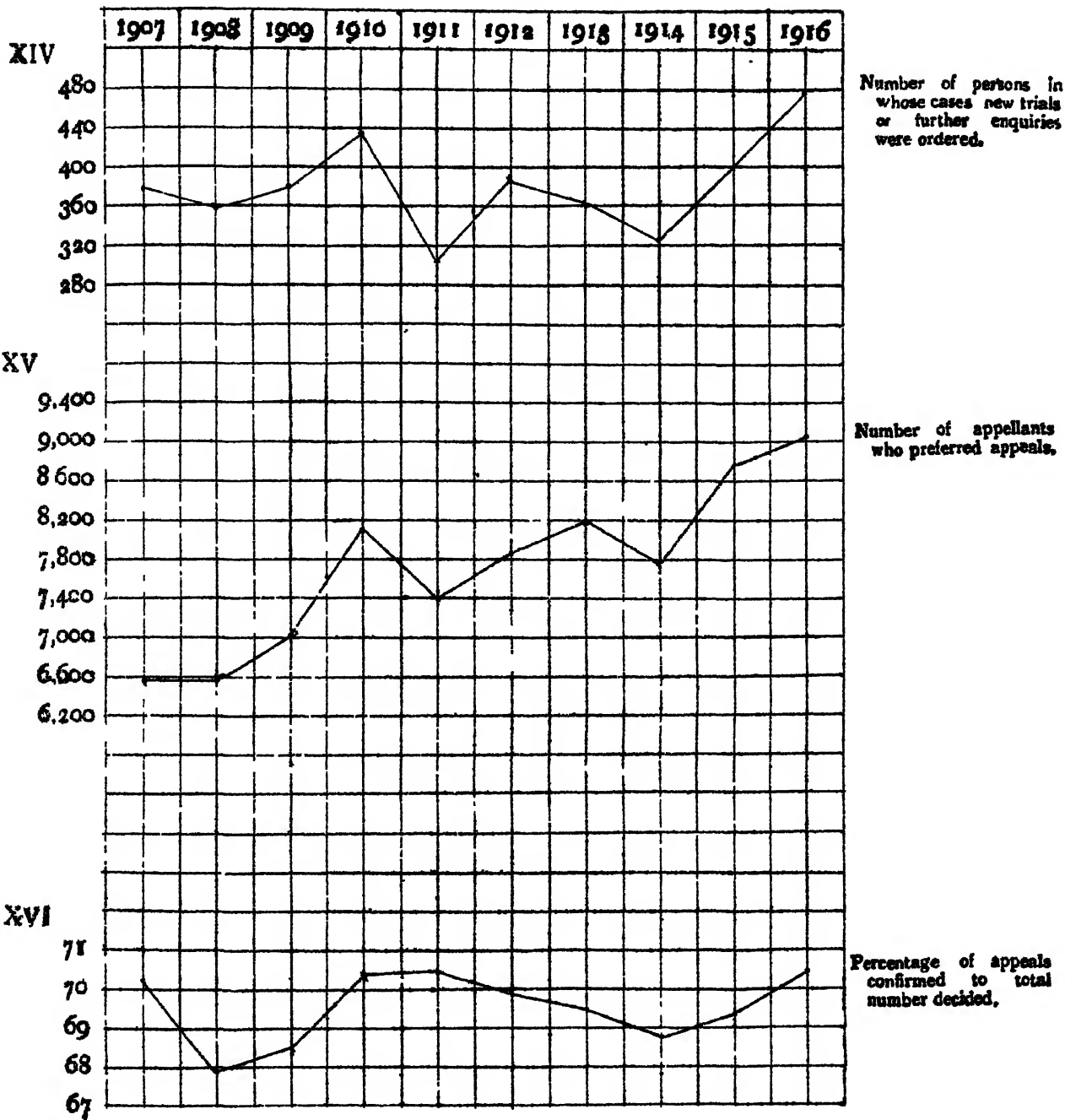


# GRAPHS.











## UPPER BURMA.

### I.—JURISDICTION OF COURTS AND NUMBER OF OFFICERS EXERCISING ORIGINAL CRIMINAL JURISDICTION WITH COSTS OF TRIBUNALS.

On the 1st March 1916 the Subdivisions of Mogaung and Kamaing were amalgamated with that of Myitkyina, and the Subdivision so formed consists of the local areas of Myitkyina, Mogaung and Kamaing Townships with Headquarters at Myitkyina. On the 1st July 1916 the Sale Township was transferred from the Myingyan District to that of Magwe. Statement I.

2. At the close of the year there were seven more Magistrates of the first class, one more of the second class and four less of the third class than in the previous year. With effect from the 24th July 1916 Major F. C. Owens, I.A., Deputy Commissioner, on special duty in the Burma Military Police, was appointed as Additional Sessions Judge of the Sagaing Division, since which date he has tried all Sessions cases and heard all appeals. The Sessions Judge, Mr. Carey, had his time fully occupied in special executive work. Statement

There was one more special Magistrate towards the close of the year than in 1915, the Assistant Battalion Commandant of the Military Police at Mogòk being invested with second class powers.

### II.—OFFENCES REPORTED AND PERSONS TRIED, CONVICTED AND ACQUITTED OF EACH CLASS OF OFFENCE AND GENERAL RESULTS OF CRIMINAL TRIALS IN THE TRIBUNALS OF VARIOUS COURTS.

3. The number of offences reported during the year was 30,016 or 1,044 more than in the previous year. Under the Indian Penal Code there were 13,198 cases reported, and 9,676 returned as true, as against 12,804 and 9,404 respectively in 1915. Under Special and Local Laws there were 14,753 true cases out of 16,818 reported as against 14,567 and 16,168 in 1915. Statement II.

The bulk of the increase was again contributed by Mandalay (1,338), Magwe (398), Meiktila (123) and Katha (105). In Mandalay the increase is largely due to prosecutions under section 34, Police Act, the number of cases rising from 1,054 to 2,109. Out of these no less than 290 were shown as false. The District Magistrate reports that the Police have been hasty in prosecuting and steps have been taken to check this tendency. In Magwe an increase of 126 cases under the Highways Act, principally at Yenangyaung, and the inclusion of Sale Township with 78 cases account for half the total increase, the rest being principally cases under the Penal Code. On the other hand there were decreases in Yamèthin (456), Myingyan (222), Lower Chindwin (163) and Upper Chindwin (153). The District Magistrate, Yamèthin, reports that there has been a real decrease in crime and attributes it to the activity of village headmen. There was a marked fall in cases of grievous hurt, which is said to be due to there being less money to spend on drink and to prompt action by headmen in dealing with persons under the influence of liquor. In Myingyan the decrease is due in part to the transfer of Sale Township to Magwe. The decrease however in three of the four Districts is mainly due to fewer prosecutions under Special or Local Laws.

The increase of true cases under the Indian Penal Code is chiefly in offences against property (151) and the human body (58) and under Chapter XI (49) "false evidence, etc." There was a decline of 12 murder cases, but there was an increase of 30 cases of grievous hurt. The number of dacoity cases was the same as in last year; robberies increased by 10. The District Magistrate, Minbu, says "It is amazing that there are not 40 dacoities as guns can be easily stolen from the American drillers at Yenangyaung. Dacoities must occur as long as no banking facilities are provided for the people. . . . I cannot see why the Post Office should not provide reasonable facilities as it does all over the world except in England and China."

The Sessions Judge of Magwe agrees with the District Magistrate that the want of places for safe deposit of money is largely to account for dacoities and thinks that the District Magistrate's suggestions are worth consideration. In my experience the majority of dacoities and serious robberies occur shortly after paddy has been sold and it is striking that in a considerable number of cases the gang arranges its attack in a somewhat hasty and haphazard manner. In Upper Burma the average Burman dacoit gang is a fatuitous assemblage of young men attracted by the hope of large gain and willing to gamble on the chance of escaping punishment. The figures for last year show that more than half the persons sent up for trial were not convicted and when the undetected cases are taken into account, the chances in favour of the criminal become much more favourable. I agree with the Commissioner and the District Magistrate that robbery and dacoity would largely decrease if wealthy villagers ceased to bury their money and had some place of safe deposit for it.

There was a slight decrease in cattle theft. The District Magistrate, Minbu, states that cattle thefts never occur from military policemen, because they watch them, whereas the Burman leaves them to be tended by children. Cattle theft is however, to some extent organised crime and the organisers, known as "Sayas" are unfortunately too frequently immune from punishment.

There was an increase of 174 cases reported under Criminal Trespass. This I regard as unsatisfactory. Prosecutions are far too frequently instituted as a short and inexpensive way of settling land disputes. More will be said about these cases in the paragraph dealing with section 203 of the Code of Criminal Procedure.

In regard to the increase of 49 cases in prosecutions under Chapter XI, only one District Magistrate has remarked on the subject at all, and the district reports do not show how the increase has come about.

The increase in offences reported under Special and Local Laws is chiefly under the Police Act (1,028), Excise Act (213), and Forest Act and Rules (188). Mandalay is almost entirely responsible for the increases under the Police Act. In Minbu there was an increase of 132 prosecutions under the Forest Act, in Magwe of 55, and in Pakōkku of 42. The District Magistrate, Minbu, says that the Deputy Conservator of Forests suddenly instituted 170 prosecutions for the non-return of bamboo passes and that he had to protest against the time of the Courts being occupied in this manner; 100 of the cases were withdrawn. Prosecutions on so large a scale seem to me to be entirely unnecessary, and if it is essential that expired passes for bamboos be returned, a few selected and successful prosecutions would probably have the desired effect. In Pakōkku the increase was due to a number of prosecutions for illicit catch boiling in Seikpyu Township. These prosecutions were certainly justified.

The main decreases under Special and Local Acts are under the Municipal Act and Rules (711) and the Opium Act and Rules (84). The bulk of the decrease under the Municipal Act is made up of 192 cases at Pakōkku, 174 at Mandalay and 106 at Minbu. In Pakōkku a large fire occurred in March 1916 and destroyed most of the town. Previous to this prosecutions are said to have been necessary owing to the filthy condition of compounds during a cholera epidemic. In Minbu the decrease is said to have been due to the want of an overseer.

In Bhamo the decrease in opium cases (19) is reported to be due to the scarcity of illicit opium. In Myitkyina the decrease (17) is attributed to successful detection in the previous year. In Yamethin the decrease (21) is unexplained. In other districts the variations call for no comment.

The number of cases under the Gambling Act was about the same as last year, but about 1,000 more persons were prosecuted. The District Magistrate, Mandalay, reports that no less than 92 out of 289 cases reported under the Gambling Act were classified as false. Both Magistrates and the Police often do not realise that the object of the Act is to suppress certain forms of *public* gambling and that interference with petty amusements is uncalled for, unless there is reason to think that crime is likely to occur unless such interference takes place.

4. *Complaints dismissed.*—The number of complaints dismissed was 1,009 compared with 1,051 or forty-two complaints fewer than in the previous year. Pakòkku and Myingyan were principally responsible for the decline with 49 and 32 complaints respectively, while Magwe and Meiktila accounted for noticeable increases of 39 and 24 cases respectively. The decline in Pakòkku is attributed to a drop in the number of complaints filed under section 447, Indian Penal Code, and to the effect of an order issued by the District Magistrate that reports of gambling cases made by the Police cannot be treated as complaints. The decline in Myingyan is reported to have been more than proportionate to the decline in work, and to have probably accounted for the comparative increase in false and mistaken cases, thus pointing to less care having been taken in the examination of complainants. The subject is one that has received careful attention from all District Magistrates. In complaints of criminal trespass it is desirable that special care should be exercised in examining the complainant. A considerable number of these complaints are laid in the hope of avoiding civil litigation. Unnecessary reduplication of work in a Civil and Criminal Court regarding the same subject matter in dispute is frequently the result of a failure to question the complainant fully before issuing process.

5. *Classification of cases.*—There were 557 more cases declared false or mistaken than in the previous year (4,454 against 3,897). This increase was principally prominent in Mandalay, Shwebo and Myingyan with 559, 69 and 61 cases respectively. Offences under the Police and Gambling Acts were in the main responsible for the rise in Mandalay, where out of 2,109 cases under the former Act, no less than 290 were classified as false or mistaken, and out of 289 cases under the latter Act, 92 cases were similarly classified. The increase in Shwebo has not been explained but that in Myingyan has been dealt with in the preceding paragraph.

6. The number of cases returned as true was 24,429 as against 23,971 or 458 cases more than in the preceding year. The most important increases have already been indicated. The district reports show that special attention has been directed to seeing that cases are correctly classified. Statement II.

7. The total volume of work that came before the Courts for trial was 29,574 or 1,101 cases more than in the previous year, of which 29,372 or 1,080 more cases than in the previous year came before Magistrates. Statement II.

8. The volume of work disposed of by Magistrates was 28,726 cases or 1,459 more than in the previous year. Of these 10,075 cases were disposed of summarily as compared with 9,799 in 1915. The number of cases disposed of by District Magistrates was 88 cases less than in the previous year. Two hundred and one cases concerning 350 persons were disposed of under their special powers as against 208 cases and 309 persons in the preceding year. The largest share of cases so disposed of was accounted for by the District Magistrate, Magwe, with 31 cases relating to 74 persons. The District Magistrates, Katha, Minbu and Kyaukse followed with 28, 23 and 21 cases relating to 38, 32 and 27 persons respectively. Statement IV.

In trials by District Magistrates under their special powers a lower percentage of convictions was obtained than in the previous year (54.29 against 62.46). It was lowest again (35.90) in disposals by the District Magistrate, Sagaing, while it was highest in the Courts of the District Magistrates, Mandalay and Myitkyina again and the Lower Chindwin and Meiktila with 100 per cent. each. The number of persons tried by such Courts was however small. The District Magistrate, Sagaing, has not explained why the prosecutions in his Court have been so unsuccessful.

9. Magistrates had before them under trial 53,023 persons compared with 50,056 persons in 1915. The number tried was 50,436 or 2,750 persons more than in the previous year. Of these 59.65 per cent. were convicted, committed or referred as against 61.76 in the previous year. The percentage was lowest in Shwebo (50.43) and next lowest in Pakòkku, Yamèthin and Sagaing, *viz.* 52.00, 54.13 and 53.79 respectively. In Kyaukse the percentage of convictions in gambling cases rose from 38 to 63 which seems to show a change in the methods of procedure in that District. Statement IV.

Composition was allowed in the cases of 3,609 persons or 184 more than in the previous year. But for these compositions the percentage of convictions would have been about 67. The highest percentage of convictions was obtained in Putao (87.50) where out of 8 persons tried 7 were convicted. It was next highest in the Ruby Mines (71.97) followed by percentages of 70.86, 70.72 and 70.47 respectively in Myitkyina, Bhamo and Mandalay.

Statements  
IV & V.

10. There were 371 first offenders released under section 562, Code of Criminal Procedure, as against 388 in 1915. Yamèthin continued to account for the largest number so dealt with, *viz.* 68. Myitkyina with 20 persons showed the highest percentage so dealt with (3.34). In Bhamo, the Ruby Mines and the Upper Chindwin, insufficient use of this provision of the law seems to have been made. Burman Magistrates are sometimes slow to use this section, as they think the accused really escapes punishment. They forget that the conviction is itself a punishment and may affect the measure of punishment if the offence is repeated. In several reports complaint is made that the section is too restricted in its scope and might be usefully extended. I concur in this view.

The number of youthful offenders sent to Reformatory Schools was 2 or 2 less than in the previous year. The number dealt with under section 31 (1) of the Act was 10 as compared with 8 boys in 1915, of which number 9 were delivered to their parents or guardians, and one was discharged after admonition.

Statement  
IV.

11. The number of Benches of Honorary Magistrates remained unaltered (13). The number of cases disposed of by the Benches rose from 6,870 cases relating to 7,923 persons to 7,512 cases and 8,204 persons. The Bench at Mandalay continued to account for the largest number of disposals with 6,050 cases concerning 6,271 persons. The next largest number in disposals was accounted for by the Bench at Yamèthin with 324 cases and 491 persons. Kyauksè again showed the smallest number of disposals (50 cases) relating to 85 persons. The District Magistrate, Yamèthin, remarks that the Honorary Magistrates do not realize that as a Bench they have second class powers. Proposals have been submitted for the constitution of a Bench at Pyawbwhè. My experience of these Benches is that as a rule the work is sensibly done.

Statement  
IV.

12. The number of persons whose cases were committed to Courts of Sessions was 237 or 11 less than in the previous year. Of such cases 150 concerning 225 persons were disposed of as compared with 168 cases and 236 persons in 1915. The Sessions Judge, Magwe, with 45 cases relating to 63 persons accounted for the largest amount of disposals. In Sessions Courts the percentage of convictions was 69.78 or 8.19 lower than in the previous year. It was highest in the Mandalay Division (85.11) and lowest in the Sagaing Division (53.49). The District Magistrate, Minbu, and the Sessions Judge, Magwe, appear to hold conflicting views as to whether cases of assault and hurt resulting in death should be committed to Sessions. The question should be referred for the orders of the High Court, as it is not one that can be discussed in a criminal annual report. The number of cases committed to Courts of Sessions during the years 1913, 1914, 1915 and 1916 were 163, 117, 161 and 110 respectively.

### III.—REFERENCES UNDER SECTION 374, CODE OF CRIMINAL PROCEDURE.

Statements  
IV and V.

13. The cases of 41 persons came before the Judicial Commissioner for confirmation of death sentences as against 59 persons in 1915. Twenty-five such persons had their sentences confirmed as compared with 37 in the previous year, and of these, in the case of one person the sentence was commuted by the Local Government to transportation for life.

### IV.—MISCELLANEOUS PROCEEDINGS UNDER THE CODE OF CRIMINAL PROCEDURE.

Statements  
III and IV.

14. The number of persons who were called upon to show cause against being ordered to furnish security under sections 106 and 107 and under sections

109 and 110, Code of Criminal Procedure, was 72 and 773 respectively as compared with 120 and 734 in the preceding year. Security to keep the peace was demanded from 65 persons and to be of good behaviour from 593 persons as against 100 and 546 persons respectively in 1915. The cases of 13 persons were referred to Sessions Judges under section 123 (2), Code of Criminal Procedure, as compared with 10 persons in 1915. Except in the cases of 4 persons, the orders of the subordinate Courts were left untouched.

In the first description of cases the percentage of success was 90.28 and in the second 79.92 or 6.95 and 1.36 respectively higher than in the preceding year. The percentage in Katha was the lowest 57.74, and it was also low in Mandalay, Pakōkku and Meiktila (72.17, 74.29 and 75.64 respectively).

Yamethin proceeded against the largest number of persons (173) followed by Mandalay and Magwe with 101 and 85 persons respectively. In Bhamo and the Upper Chindwin only 4 and 5 persons respectively were proceeded against.

Imprisonment in default of furnishing security was ordered in the cases of 167 persons or 19 fewer than in 1915.

The utility of these sections has been the subject of frequent controversy and some Judges are of opinion that Magistrates are apt to convert them into a machinery for manufacturing criminals. The Sessions Judge, Sagaing, reports that a great deal of good has been done in his division by the proper use of the sections. If they are properly used, there can be no doubt that the great majority of persons bound down under sections 109-110 of the Code of Criminal Procedure will be *habitual* offenders and no question of manufacturing criminals will arise. The objections to the sections appear to me to be twofold (a) that evidence is frequently not forthcoming against the most dangerous criminals, and (b) that the period for which security is demanded is so short as only to secure at the best a temporary lull in criminal operations. Villagers and townsfolk are afraid to give evidence against dangerous criminals as they dread reprisals when the criminal is released from jail or his period of security expires. What seems necessary is the power to remove such criminals for an indeterminate period from the scene of their operations. At present they too often are able to defy the law with impunity and their example has a corrupting influence on other youths. The evidence would be forthcoming if a sense of security was established, and the fact that the law had become strong enough to reach the big criminals would have a salutary deterrent effect on the minor ones.

Out of 1,618 applications relating to maintenance under Chapter XXXVI of the Code of Criminal Procedure, 949 were successful as compared with 1,663 and 943 applications respectively in 1915. Mandalay and Lower Chindwin again accounted for the largest shares of disposal with 276 and 233 applications respectively.

#### V.—DURATION OF CASES.

15. The average duration of cases in Upper Burma was 12 days or one day higher than in 1915. Katha, Kyaukse and the Chin Hills were responsible for the highest duration with 19 days each, followed by Putao, Pakōkku and Myingyan with 18 days each. Statement IV.

The Court of the District Magistrate, Katha, is stated to have been chiefly responsible for the high duration in that District (31 days). This was caused by a case which took three months to try owing to the attempts of the accused to get the case transferred. In Kyaukse the Courts of the Senior Magistrate and the Subdivisional Magistrate, Kyaukse, show a duration of 35 days each. The delay in the former Court is attributed chiefly to a case which was long and tedious, and is reported to have been inevitable, as the Senior Magistrate remains in Kyaukse for 10 days only each month. In the latter Court it is reported to have been due to a change in officers and also to a transfer of the Headquarters Magistrate which left the Subdivisional Magistrate as the only officer with first class powers thus heavily increasing his file. The delays in the Chin Hills and Putao have not been explained. The duration in Pakōkku is reported to have



been much affected by the high duration (20·82 days) in the Court of the Township Magistrate, Yesagyo, where there was a great stress of work and continual calls made on the Township Magistrate to proceed on tour for the disposal of Revenue and general work. In Myingyan the average duration was highest in the Court of the Senior Magistrate (37 days) which is attributed to the changes of officers. In Shwebo there was a marked rise in duration in the Township Magistrate's Court, Shwebo, owing to unsatisfactory work on the part of the Magistrate. District Magistrates should insist on Magistrates not delaying the passing of judgment especially in ordinary cases, as these delays give rise to uneasiness in the minds of litigants.

## VI.—PUNISHMENTS.

Statements  
V and VA.

16. The number of persons punished rose from 28,606 to 29,296 persons. The percentage of sentences of fine without imprisonment and that of sentences of rigorous imprisonment without solitary confinement was 80·06 and 10·82 as against 83·15 and 11·64 respectively in the preceding year. Rigorous imprisonment with solitary confinement was imposed on 200 persons as against 167 in the previous year, and 678 or 116 more persons than in 1915 were sentenced to whipping in lieu of other punishments.

Myingyan showed the largest number of persons sentenced to solitary confinement (34), followed by Lower Chindwin (29), Sagaing (28) and Yamèthin (26).

Whipping in addition to other punishments was awarded in the cases of 20 persons or 11 less than in the previous year.

The percentage of whipping in cases in which whipping might have been inflicted was 27·26 or 3·34 higher than in the previous year. The number of persons sentenced to imprisonment for less than 15 days was 500 or 11 fewer than in 1915: these include sentences of imprisonment till the rising of the Court. These sentences are merely nominal and might well be excluded from the returns of short sentences of imprisonment. District Magistrates have evidently paid careful attention to issuing suitable instructions to their subordinates during the year.

Statement  
V.

17. The total amount of fines imposed and realised continued to decline from Rs. 2,69,252 and Rs. 2,34,374 to Rs. 2,56,544 and Rs. 2,29,390 respectively and the amounts remitted and struck off were Rs. 6,864 and Rs. 24,371 as compared with Rs. 6,945 and Rs. 35,478 respectively in 1915.

Statement  
V.

18. Compensation awarded under sections 250 and 545 of the Code of Criminal Procedure amounted to Rs. 1,696 and Rs. 19,477 as compared with Rs. 1,794 and Rs. 20,995 respectively in the preceding year.

The free award of compensation under the above sections has been repeatedly enjoined on Magistrates by Sessions Judges and District Magistrates and by the Judicial Commissioner in course of inspections and when scrutinizing records, but subordinate Magistrates still do not appear fully to realize the propriety of using the sections as often as possible.

## VII.—APPEALS.

Statement  
VI.

19. The total number of appeals preferred declined from 2,706 to 2,538. The number declined in the Court of the Judicial Commissioner and in the Courts of District Magistrates from 252 and 1,125 to 209 and 977 respectively, but in Sessions Courts it again rose from 1,329 to 1,352. The largest share of appeals preferred in Sessions Courts again fell to the Sessions Judge, Meiktila (455) and the next largest share again to the Sessions Judge, Magwe (378). In the Courts of District Magistrates, Shwebo again had the largest number of appeals (141) followed by Yamèthin, Mandalay and Myingyan with 119, 103 and 94 respectively.

The number of persons whose appeals were disposed of was 2,473 or 174 fewer than in 1915, and in the cases of 1,387 persons as compared with 1,563 in

the preceding year the decisions of the Lower Courts were confirmed. The percentage of confirmations declined from 59·05 to 56·09.

The percentage of confirmation in the High Court was 69·00 or 6·11 lower than in the preceding year and in Sessions Courts also it declined from 63·01 to 54·20, but in the Courts of District Magistrates it rose from 51·04 to 56·00. The percentage of interference was highest in the Court of the District Magistrate, Kyaukse, (80·00) followed by 65·00, 61·22 and 55·56 respectively in the Courts of the District Magistrates, Upper Chindwin, Lower Chindwin and Bhamo. It was lowest in the Court of the District Magistrate, Katha, (20·00) which seems a very low figure.

The average duration in appeals dropped from 19 to 13 days. In the Courts of District Magistrates it fell from 16 to 10 days and in Sessions Courts it remained unaltered (12 days).

### VIII.—REVISIONS.

20. District Magistrates had before them 5,272 cases for disposal (including the number that were pending from 1915) as compared with 4,375 in the preceding year. The number disposed of was 5,104 or 883 more than in 1915, and 168 were left pending at the close of the year. The District Magistrate, Pakòkku, disposed of the largest number of cases in revision (1,165) followed by the District Magistrates, Shwebo, Yamèthin and Minbu, with 376, 335 and 281 cases respectively. The duration was highest in the Court of the District Magistrate, Pakòkku, (86 days) and next highest in the Court of the District Magistrate, Katha, (39 days). In this connection the District Magistrate, Pakòkku, considers that the figures are meaningless as the durations are calculated from the date of calling for the cases and not from the date of receipt of record and he states that these dates are often separated by months. The Sessions Judge, Magwe, agrees with the District Magistrate that the duration should count from the date of receipt of the record and not the date of requisition. Statement VI.

The number of cases called for by District Magistrates under the Criminal Justice Regulation was 3,092 and otherwise 2,180 and the percentage of confirmation in the former class of cases was 95·00 involving 4,882 persons and in the latter class 94·57 involving 3,455 persons.

21. Amongst Sessions Judges the largest amount of revisional work was again done by the Sessions Judge, Magwe Division, (565 cases) who was followed again by the Sessions Judge, Meiktila Division, with 355 cases. The percentage of persons whose cases were interfered with was 2·50. Statement VI.

With 118 cases that were pending from 1915 the Judicial Commissioner had before him in revision 1,163 cases relating to 1,812 persons as compared with 1,158 cases of 2,051 persons. In 100 cases relating to 195 persons reports were submitted to the High Court under section 438 of the Code of Criminal Procedure, and all such cases with the exception of one involving 10 persons, were disposed of.

The High Court on its own motion called for 1,063 cases relating to 1,617 persons as against 1,084 cases of 1,840 persons in the previous year. In 80·46 per-cent. of the number of persons whose cases were disposed of the decisions of the Lower Court were confirmed as compared with 84·23 in 1915.

### IX.—MISCELLANEOUS.

22. There were 136,348 as against 133,510 witnesses who attended the Courts and the number examined was 101,736 as compared with 100,319 in 1915. In Myingyan Rs. 14,264-9-3 were paid to 10,684 witnesses while in Yamèthin 13,848 witnesses cost only Rs. 11,411-0-9. This difference certainly shows that the method of paying witnesses requires to be carefully examined. In some Courts it would appear that the matter of paying witnesses is left entirely to the Statement IV.

court clerks without supervision by the Magistrates. Sessions Judges and District Magistrates should make it a point to look into this matter carefully.

23. The number of Courts inspected during the year was 206 as compared with 193 in 1915. Of these the number inspected by District Magistrates was 138 and by Senior Magistrates 5 as compared with 122 and 4 Courts respectively in 1915. The number inspected by the Subdivisional Magistrates fell from 8 to 6 Courts. The District Magistrate, Yamèthin, again did the largest number of inspection work (14 Courts) who was followed by the District Magistrates, Shwebo and Myingyan with 12 Courts each. The District Magistrates, Putao and Katha failed to inspect their own Courts. Sessions Judges inspected 36 Courts or one more than in 1915. Of these 6 were Courts of District Magistrates.

The Judicial Commissioner inspected 21 Courts as compared with 24 in the preceding year of which 4 were Courts of District Magistrates.

24. A total sum of Rs. 917 was paid on account of fees to advocates who were engaged to defend indigent persons tried for murder compared with Rs. 570 in 1915. Of this amount the Lower Chindwin incurred Rs. 90, Pakòkku Rs. 257, Minbu Rs. 140, Magwe Rs. 260, Kyaukse Rs. 120 and Yamèthin Rs. 50 and the amount paid to persons who were acquitted or discharged to enable them to return to their homes under Judicial Department Circular No. 61 of 1909 was Rs. 61-10-6 as compared with Rs. 14-7-6 in the preceding year. Of this sum Rs. 10-10-0 were paid by the District Magistrate, Pakòkku, Rs. 35 by the District Magistrate, Myingyan, and Rs. 16-0-6 by the Sessions Judge, Sagaing Division. With the exception of the District Magistrates, Ruby Mines, Shwebo, Sagaing and Upper Chindwin, who state that no expenditure under the above heads was incurred during the year of report, other District Magistrates are silent on the subject.

Mr. L. H. Saunders was Judicial Commissioner during the year.

25. *Note on the graphical forms appended to the Report.*—The population of Upper Burma is assumed to have increased annually by one-tenth of the difference between the Census figures of 1901 and 1911. Accordingly the figures in these notes relating to population differ from those given in column 3 of Judicial Statement No. 1 (Criminal) appended to the Reports on the Administration of Criminal Justice for the years 1907 to 1916, and the population of Upper Burma in 1907 is assumed to have been 4,033,940 and to have increased to 4,557,464 in 1916. These figures include the population of the Chin Hills and the Pakòkku Hill Tracts.

The first two graphs exhibit no special features in the trend of the lines against the different headings they comprise.

GRAPHS I AND III.

Year.	Number of cases brought to trial.	Number of cases returned as true.	Number of cases decided.	Number of cases brought to trial per 10,000 of the population.
1907	19,887	18,323	19,551	49
1908	21,051	19,201	20,537	51
1909	21,818	19,848	21,285	53
1910	22,353	19,996	21,733	53
1911	24,114	21,617	23,554	57
1912	24,980	22,353	24,376	58
1913	24,933	21,916	24,480	57
1914	26,237	22,087	25,626	59
1915	28,473	23,971	27,480	63
1916	29,574	24,429	28,910	65

There was an even tendency towards a rise under all heads throughout the decade. For instance against the head "Number of cases brought to trial" in the year 1907 out of 20,827 offences reported 19,887 cases or 95.49 per cent. were brought to trial, and in 1916 out of 30,016 offences reported 29,574 cases or 98.53 per cent. were brought to trial. The percentage of increase in offences reported was 44.12. The number brought to trial per 10,000 of the population was 49 in 1907 and 65 in 1916.

Of the number of offences reported in the two terminal years of the decade the number relating to offences under the Indian Penal Code was in the first year 11,185, and in the last year 13,198. The balance in each of these years consisted of offences under Special and Local Laws which were in the proportions to the total number reported of 46.30 and 56.03 respectively.

Throughout the decade the number of persons convicted exceeded the number of cases brought to trial. This result was probably due mainly to the large proportion of cases relating to offences under Special and Local Laws in which the average number of persons concerned generally exceeded that in cases relating to offences under the Indian Penal Code.

**GRAPH II.**

Year.	Number of persons convicted.	Number of persons acquitted or discharged.
1907	22,807	15,406
1908	23,145	16,228
1909	24,344	16,283
1910	23,977	17,142
1911	26,119	17,624
1912	27,454	18,828
1913	27,450	18,596
1914	28,094	17,508
1915	29,329	18,293
1916	29,967	20,427

The curve against the head "number of cases decided" shows a steady ascent from 19,551 cases in 1907 to 28,910 in 1916. Against the heads "number of cases returned as true," "number of persons convicted" and "number of persons acquitted" with slight deviations the curves almost steadily rose from 18,323 cases, 22,807 persons and 15,406 persons in 1907 to 24,429 cases, 29,967 persons and 20,427 persons respectively in 1916. The percentages of increase were 33'32,

31'39 and 32'59 respectively.

Unlike the curves against the heads already referred to that against "average duration of appeals and revisions" show remarkable deviations. From 23 days in 1907 it rose to 27 days the next year. It then dropped to 21 days in 1909 and 1910 returning in 1911 to 27 days. In 1912 it mounted to 30 days suddenly dropping from there to 13 days the following year. It again returned to 27 days in 1914 and after a descent of 3 days the next year shot up to 32 days, the highest point in the decade. Against "Average duration of original cases" the trend of the curve marked a rise of from 10 days in 1907 to 13 days in 1911, then a descent by 2 days in 1914 and 1915 and a return to 12 days in 1916.

**GRAPH IV.**

Year.	Average duration.	
	Appeals and revisions.	Original cases.
1907	23	10
1908	27	11
1909	21	10
1910	21	11
1911	27	13
1912	30	12
1913	13	12
1914	27	11
1915	24	11
1916	32	12

In the Statistical Abstract for British India for the year 1913-14, Volume IV, page xviii, in the list showing the number of persons convicted for certain serious crimes, under the head "Affecting life" Burma stands seventh highest (407), under "Inflicting hurt" and "Robbery and Dacoity" second highest (6,318 and 700 respectively) and under "Theft" third highest (8,269).

Compared with the above figures in 1913 the Upper Province stood as regards these four heads in the ratio of 25'06, 27'51, 23'14 and 22'59 per cent. respectively to the whole of Burma and in each of the years 1907 and 1916 the ratio was as follows:—

				1907.	1916.
1. Affecting life	...	...	...	24'40	30'05
2. Inflicting hurt	...	...	...	28'48	28'08
3. Robbery and dacoity	...	...	...	25'74	20'22
4. Theft	...	...	...	19'42	20'84

The various motives for committing murders in 1916 are given in the following table:—

(1) Motives connected with women	...	...	...	3
(2) For sake of gain	...	...	...	9
(3) For love or jealousy	...	...	...	9
(4) Murders committed owing to drunkenness	...	...	...	6
(5) Murders from all other causes, sudden passion, etc.	...	...	...	22
				<u>49</u>

The figures refer to cases that came before the Judicial Commissioner either for confirmation of death sentences or on appeal.

The trend of the lines of the sixth graph presents abrupt rises of from 14 in 1910 to 28 in 1911 and from 22 in 1913 to 37 in 1915, and a drop to 25 in the following year. The noticeable leap between 1913 and 1915 was principally due to six persons convicted of dacoity with murder in the Mandalay and Myitkyina Districts and to 4 persons of waging war against the King in the Putao District. The drop in 1916 is a satisfactory feature of that year.

GRAPH VI.

Year.	Number of persons sentenced to death.
1907	17
1908	21
1909	22
1910	14
1911	28
1912	23
1913	22
1914	28
1915	37
1916	25

The next graphs brought to notice are Nos. V, VII and VIII. They deal with the more serious forms of punishment (except death) transportation and rigorous imprisonment for seven years and under as well as punishment for 15 days and under. Compared with the 1907 figures those of 1916, with the exception of the number of persons sentenced to transportation and to rigorous imprisonment for 15 days and under, all indicate a slight incline. The number sentenced to transportation and the number to imprisonment for 15 days and under decline from 109 and 530 to 88 and 500 respectively. The number of persons sentenced to rigorous imprisonment for two years and under declined to its lowest level in 1909 (747) while from 898 in 1907 it rose to 1,084 in 1916. In the last year of the decade Mandalay, Myitkyina, Meiktila, Yamethin, Minbu and Magwe provided about one sentence of rigorous imprisonment to every 750 to 1,000 of the population, Katha, Sagaing, Kyaukse and Pakokku, one to every 1,000 to 1,500, Bhamo, Shwebo and Upper Chindwin, one to every 1,500 to 2,000, and the Ruby Mines, Lower Chindwin and Myingyan one to every 2,001 to 3,000 of the population. In the three districts last named 2,000 persons may apparently expect to pass through the year without being rigorously imprisoned for every one who is. The proportion for the whole of India, except Burma, was in 1913 one sentence of rigorous imprisonment in 2,054 of the estimated population.\* The proportion for the whole of Upper Burma in 1916 was one sentence of rigorous imprisonment to every 1,335 of the population.

GRAPHS V, VII AND VIII.

Year.	Transportation.	Rigorous imprisonment for 7 years and under.	Imprisonment for 15 days and under.	Rigorous imprisonment.	Imprisonment for six months and under.	Imprisonment for two years and under.
1907	109	197	530	3,709	1,771	898
1908	71	245	452	3,256	1,802	1,035
1909	61	219	424	3,001	1,766	747
1910	64	218	365	3,102	1,848	857
1911	129	266	466	3,561	2,058	1,004
1912	101	256	499	3,725	2,181	1,006
1913	112	277	456	3,581	2,055	1,068
1914	108	210	477	3,353	1,920	1,015
1915	89	255	511	3,556	2,074	1,084
1916	88	210	500	3,414	2,027	1,084

imprisonment for two years and under declined to its lowest level in 1909 (747) while from 898 in 1907 it rose to 1,084 in 1916. In the last year of the decade Mandalay, Myitkyina, Meiktila, Yamethin, Minbu and Magwe provided about one sentence of rigorous imprisonment to every 750 to 1,000 of the population, Katha, Sagaing, Kyaukse and Pakokku, one to every 1,000 to 1,500, Bhamo, Shwebo and Upper Chindwin, one to every 1,500 to 2,000, and the Ruby Mines, Lower Chindwin and Myingyan one to every 2,001 to 3,000 of the population. In the three districts last named 2,000 persons may apparently expect to pass through the year without being rigorously imprisoned for every one who is. The proportion for the whole of India, except Burma, was in 1913 one sentence of rigorous imprisonment in 2,054 of the estimated population.\* The proportion for the whole of Upper Burma in 1916 was one sentence of rigorous imprisonment to every 1,335 of the population.

The necessity of avoiding sentences of short terms of imprisonment where some other and more suitable form of punishment can be awarded has been repeatedly enjoined on subordinate Magistrates, and there has been a fair reduction in the number from 530 in 1907 to 500 in 1916. A fair proportion of these figures is suspected to consist of imprisonment till the rising of the Court which is merely a nominal punishment. If the provisions of section 562, Code of Criminal Procedure, were not so restrictive in its application and could be made applicable also to offences other than those punishable under the Indian Penal Code it would be a great advantage to the Administration of Criminal Justice and would reduce short terms of imprisonment to a minimum.

Despite the increase in sentences of rigorous imprisonment crime has shown no tendency to decrease. After allowing a certain proportion as a set off against the increase in population, the surplus is regrettable. In 1907 the number of offences under the Indian Penal Code brought to trial which present important increases were those under Hurt (2,361), Theft (1,946), Robbery (88), Kidnaping (85), Rape (70) and Criminal Trespass (1,191), as compared with 2,941, 2,384, 119, 132, 103, and 1,969 respectively in 1916. Other important variations occurred in offences under Special and Local Laws, *vis.* Gambling (1,760), the Arms Act (115), Opium Act, (604), the Excise Act (1,198), the Police Act (1,518), the Municipal Act (1,406), the Railways Act (175) and other Special and Local Acts (2,290) in 1907 as compared with 2,022, 219, 494, 1,940, 2,643, 4,060, 503, and 4,242 respectively in 1916.

The ninth graph deals with the punishment of whipping. The number of persons sentenced to this form of punishment has been very fluctuating during each year of the decade. It declined slightly from 653 persons in 1907 to 595 and dropped in the following year to 435, the lowest mark during the decade. Since then with the exception of a slight decline in 1913 it continued to ascend to 700 in 1916 which is the highest mark during the decade. The percentage of whipping ordered to the total number of all punishments in cases in which whipping might have been awarded was 27.26; had whipping been inflicted in these instances the total number of sentences of whipping would have been 2,568.

GRAPH IX.

Year.	Number of persons sentenced to whipping.	Percentage of whipping to total number of all punishment in cases in which whipping might have been awarded.
1907	653	26.31
1908	595	25.93
1909	435	23.39
1910	496	27.19
1911	518	27.06
1912	549	24.32
1913	488	27.98
1914	524	24.95
1915	593	23.92
1916	700	27.26

Despite the fact that the suitability of this form of punishment in certain offences has been repeatedly enjoined on subordinate Magistrates by Inspecting Officers and this Court in lieu of short terms of imprisonment, it appears that there is much room for further improvement. Inattention to instructions by subordinate Magistrates is most common amongst Burman Magistrates who from sentimental and other motives exhibit a strong reluctance to exercise their powers under the Whipping Act.

The curves of all these graphs indicate considerable fluctuation each year throughout the decade.

GRAPHS XII, XIII AND XV.

Year.	Number of Appellants and Applicants for revision.	Number of persons whose appeals and applications were rejected, confirmed or whose sentences were enhanced.	Number of persons whose sentences were reduced or otherwise altered or whose sentences were reversed.	Number of Appellants who preferred appeals.
1907	12,222	10,157	1,580	2,121
1908	12,274	10,859	1,362	2,047
1909	11,894	10,234	1,287	2,017
1910	12,822	11,470	903	2,044
1911	12,128	10,147	1,272	2,216
1912	14,217	12,621	1,234	2,520
1913	14,680	12,438	1,569	2,695
1914	14,431	13,208	1,380	2,594
1915	13,647	11,822	1,481	2,620
1916	15,870	14,034	1,549	2,484

14,034 respectively in 1916. The difference was in keeping with the increase in the number of convictions. The thirteenth and fifteenth graphs deal with the headings "Number of persons whose sentences were reduced or otherwise altered or whose sentences were reversed" and "Number of Appellants who preferred

The first of these shows that there was very little difference in the trend of the curves throughout the decade and that the number of Appellants and Applicants for revision before the Courts and of those whose appeals and applications were rejected or whose sentences were confirmed or enhanced with but slight deviations in the years 1908, 1911 and 1913 rose from 12,222 and 10,157 in 1907 to 15,870 and



appeals." The curve against the former heading steadily dropped from 1,580 persons to 963 in 1910. In the following year it rose to 1,272 and after a very slight decrease in 1912 leapt to 1,569 and dropping in the next year to 1,380 again rose in 1916 to 1,549 persons. The curve against the latter heading rose with the exception of a slight variation in 1908 and 1909 from 2,121 persons in 1907 to 2,695 in 1913, the highest mark in the decade, and with slight decline in the two following years dropped to 2,484 in 1916.

The curve of the fourteenth graph indicates that the number of persons in

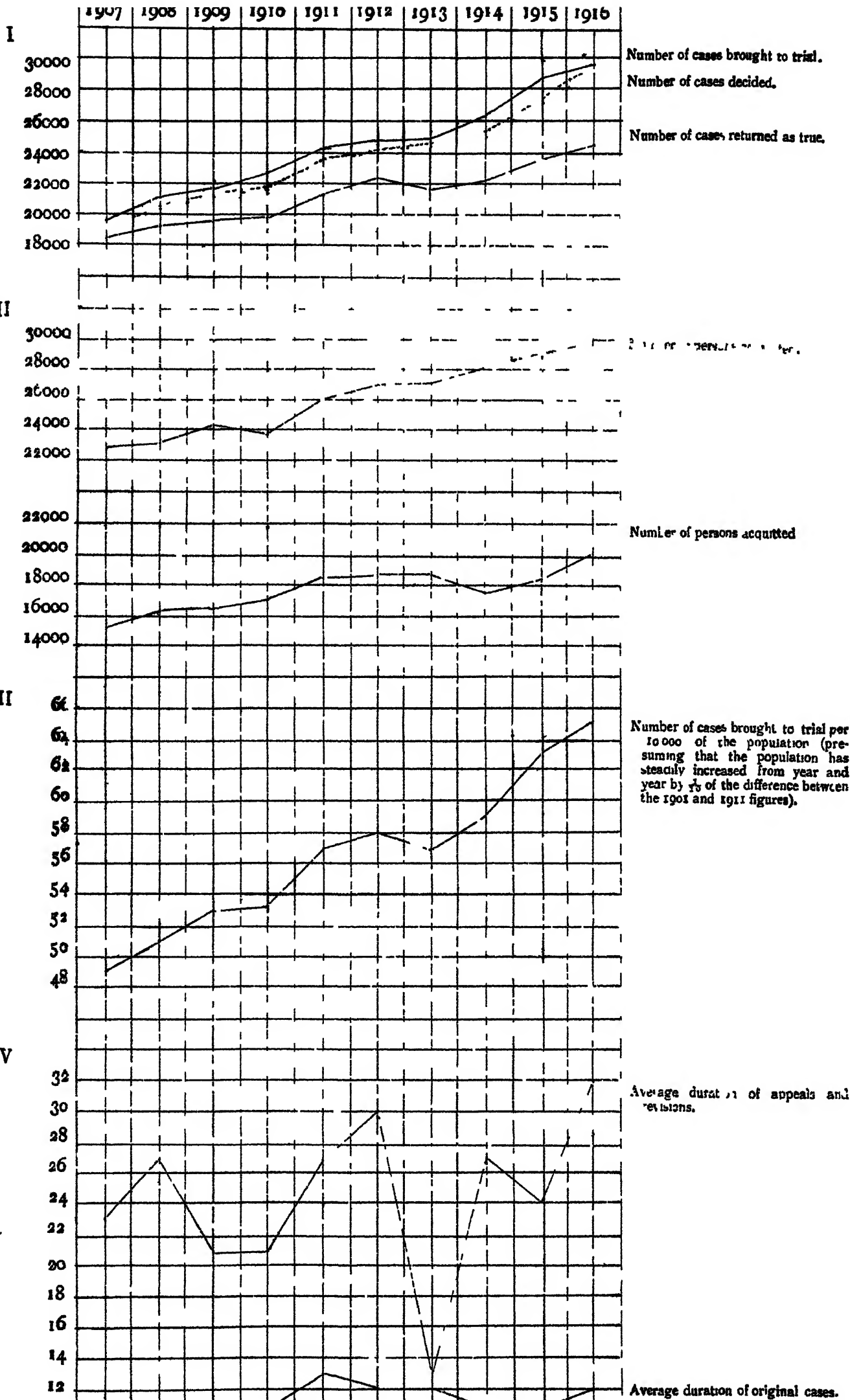
GRAPHS XIV AND XVI

Year.	Number of persons in whose cases new trials or further enquiries were ordered.	Percentage of appeals confirmed to total number decided.	Sentence enhanced
1907	185	65.22	104
1908	96	57.94	43
1909	74	63.32	17
1910	151	67.85	25
1911	110	64.96	44
1912	327	66.16	30
1913	288	60.18	34
1914	241	62.46	43
1915	107	59.05	47
1916	169	56.09	33

whose cases new trials or further enquiries were ordered was very variable in the first six years of the decade. It fell in the second and third years from 185 to 96 and 74 respectively, rose to 151 in 1910 and declined to 110 in the next year, and then leapt to 327 in 1912. It thence gradually fell in the next three years to 107 and in 1916 rose up to 169 persons.

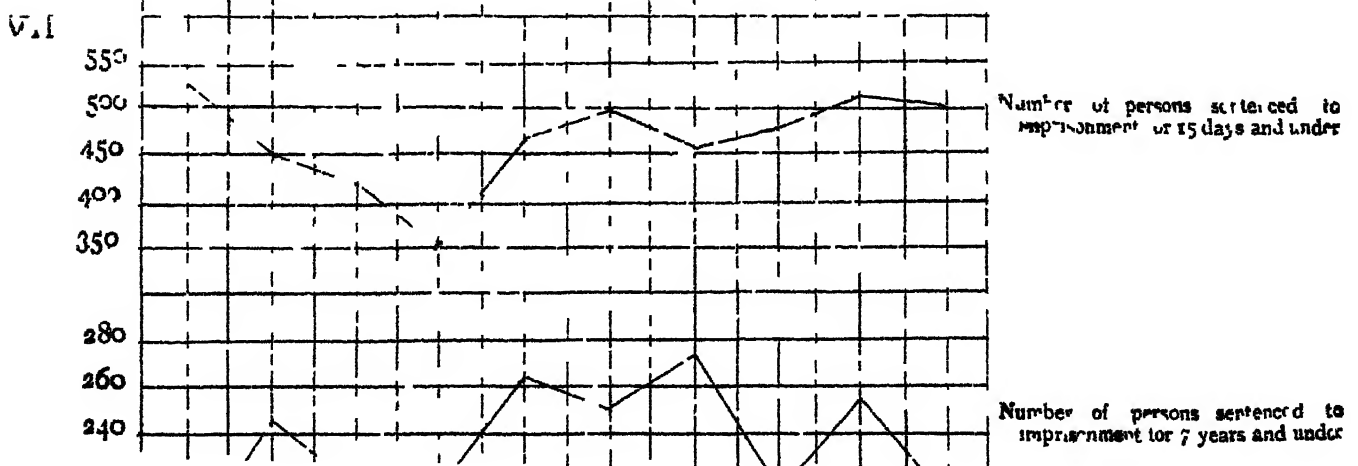
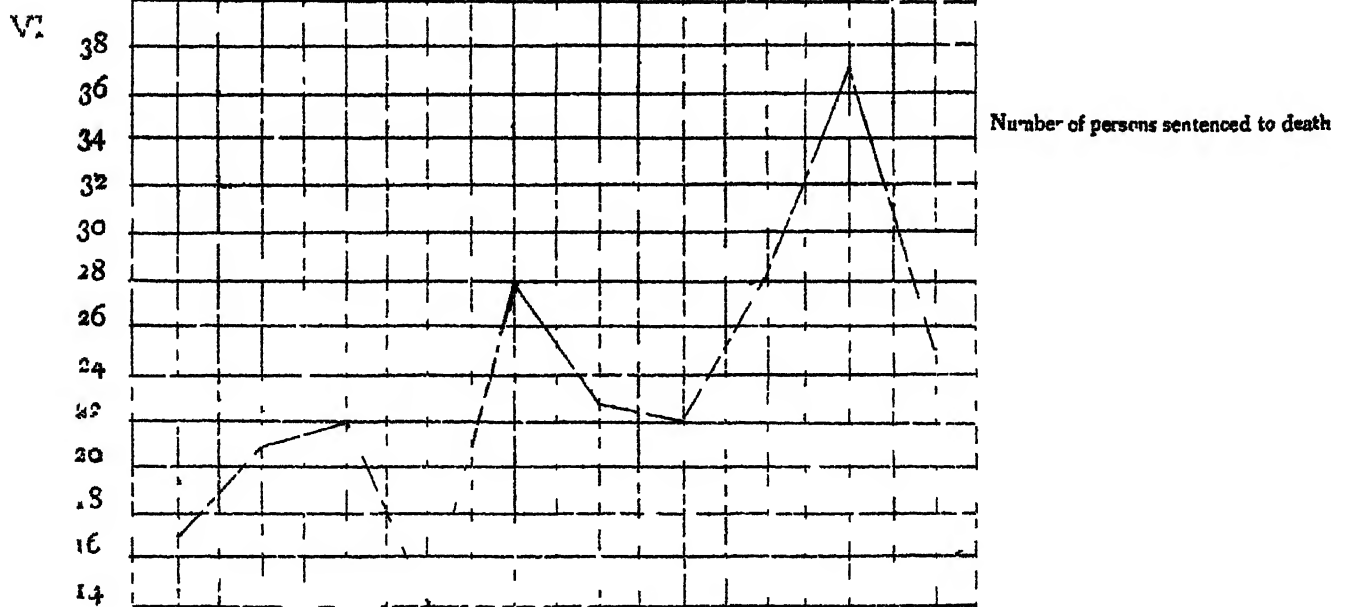
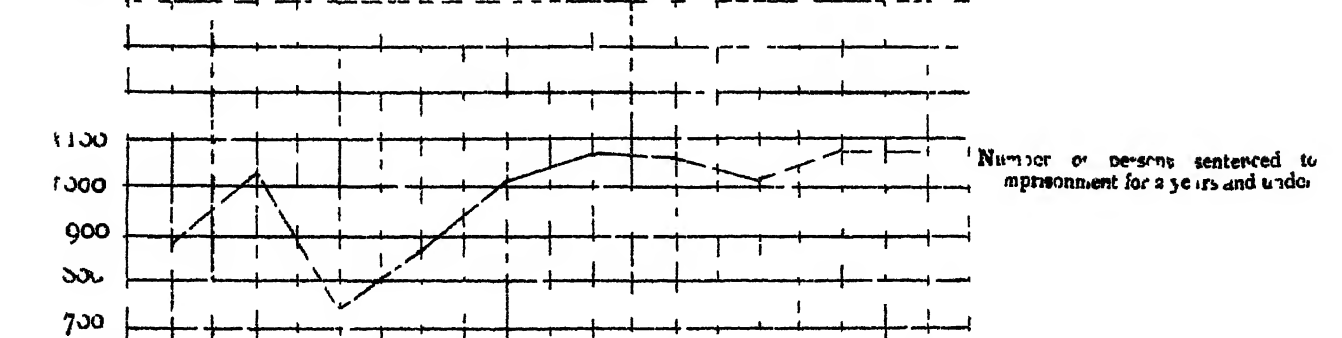
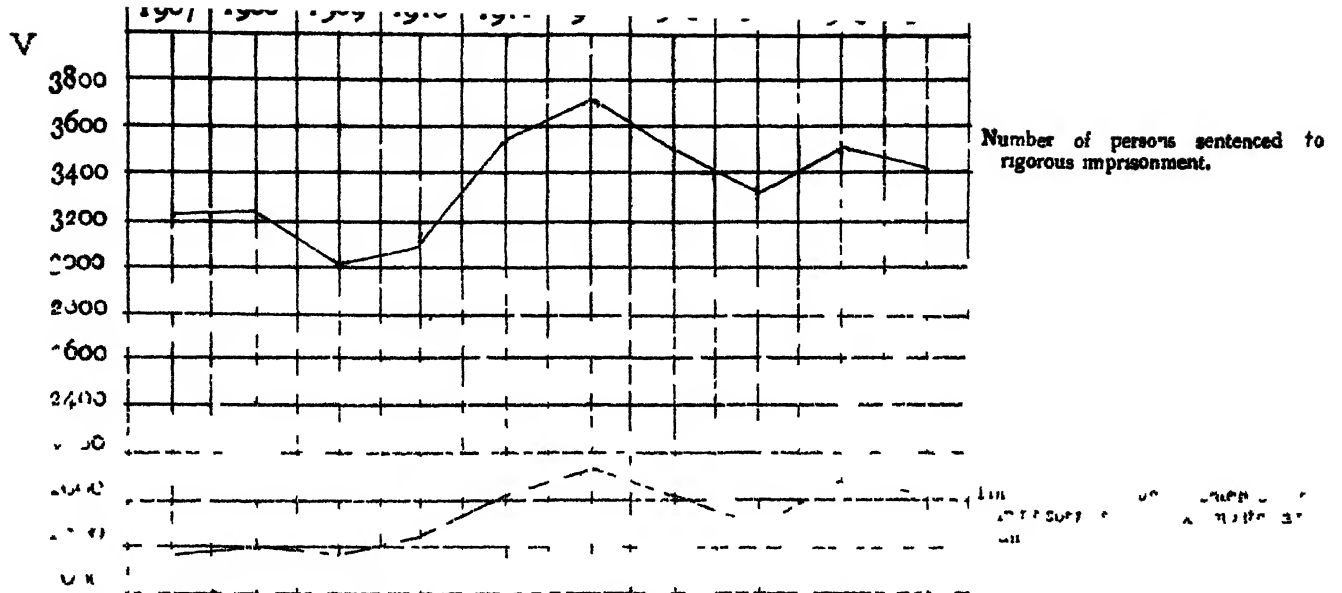
The sixteenth graph deals with the percentage of confirmation in appeals to total decided. In 1910 it reached its highest limit in the decade, 67.8 to which it rose from 57.9 in 1908. In 1907 the percentage was 65.2. After 1910 the percentage began to fall and with slight breaks in 1912 and 1914 it sank to the lowest level of the decade in 1916, 56.0. The highest and lowest figures of Upper Burma cannot be said to compare unfavourably with the corresponding figures of Lower Burma, 74.5 in 1901 and 67.9 in 1908, as in view of the great disparity that exists between the periods during which the Upper and Lower Provinces have been under British rule, and of the fact that the subordinate Magistrates of the latter consists ordinarily of more experienced officers than of the former, it may safely be said that the low percentage of confirmation in the Upper Province does not call for any serious anxiety.

A. E. RIGG,  
*Offg. Judicial Commissioner.*





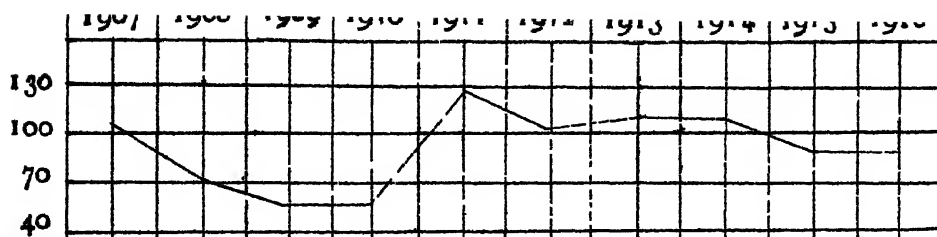




Number of persons sentenced to imprisonment for 7 years and under

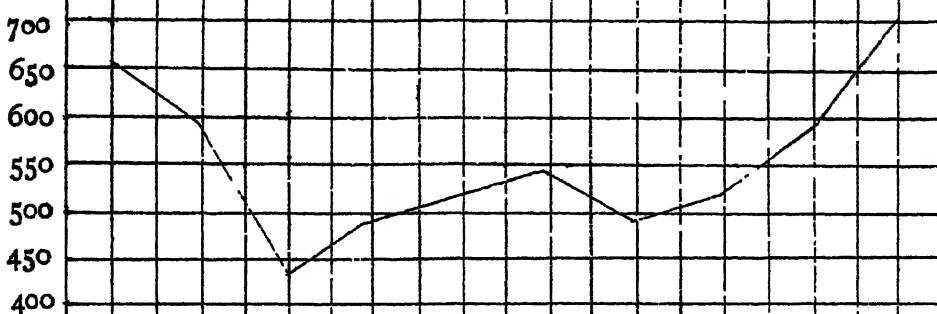


VIII



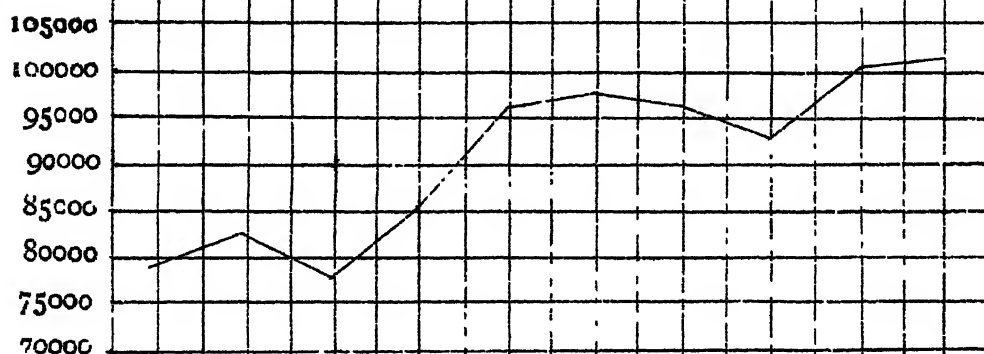
Number of persons sentenced transportation.

IX



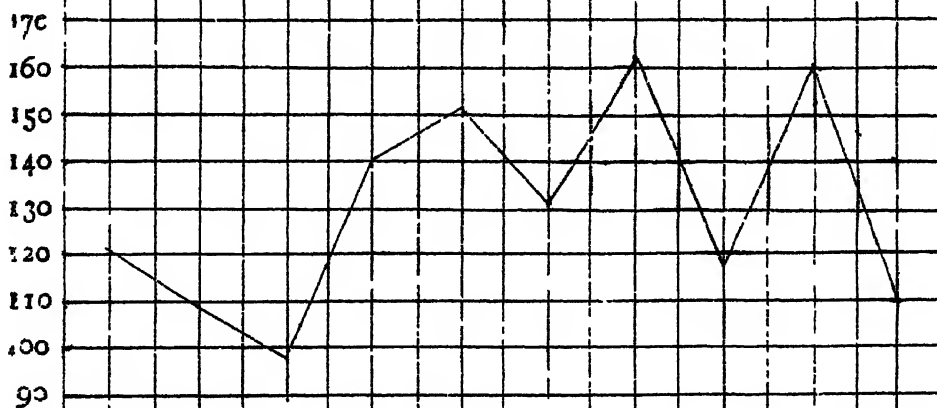
Number of persons sentenced whipping.

X



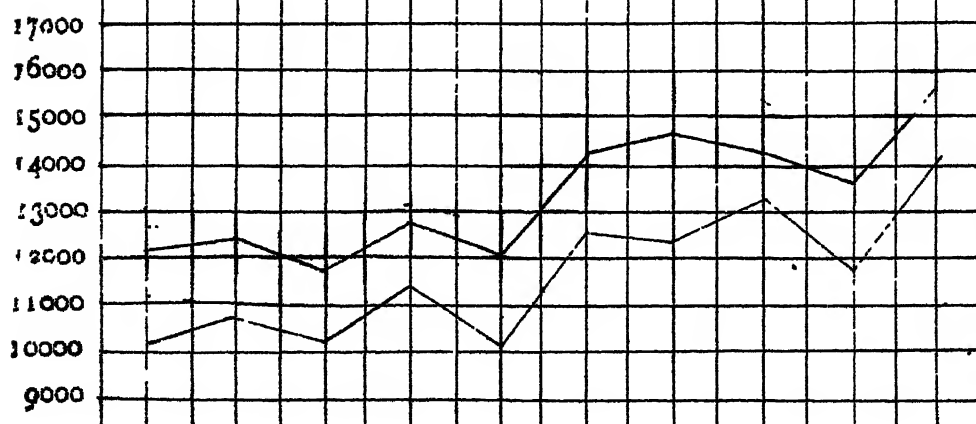
Number of witnesses examined.

XI



Number of cases committed Sessions.

XII

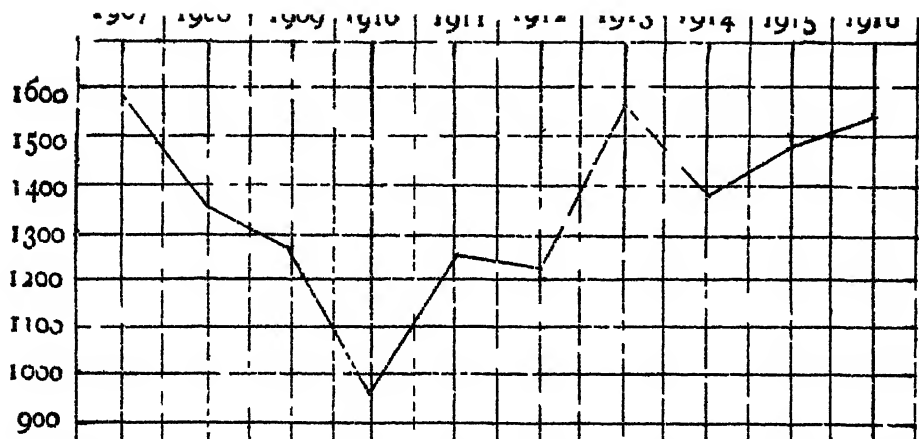


Total number of appellants and applications for revision before the Courts.

Number of persons whose appeals and applications were rejected, whose sentences were confirmed and enhanced.

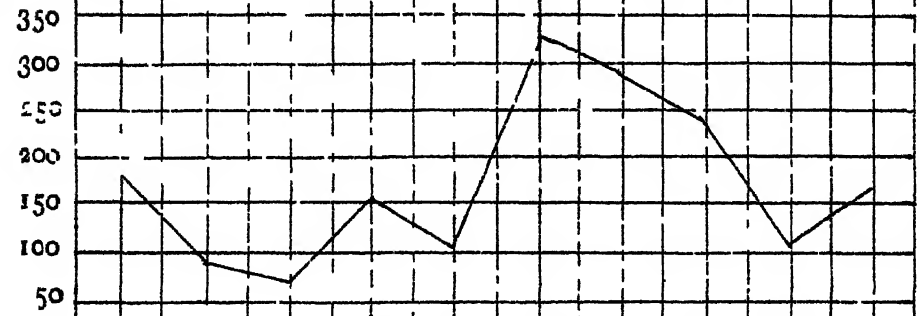


XIII



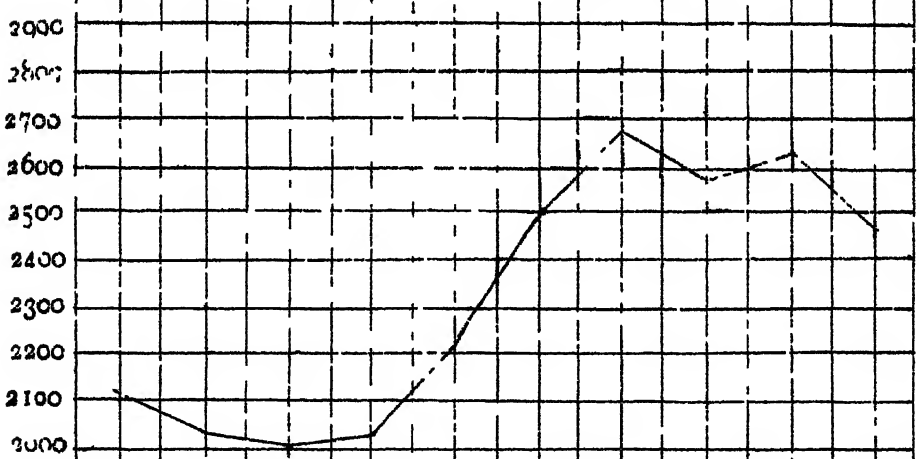
Number of persons whose sentence were reduced or otherwise altered or whose sentences were reversed.

XIV



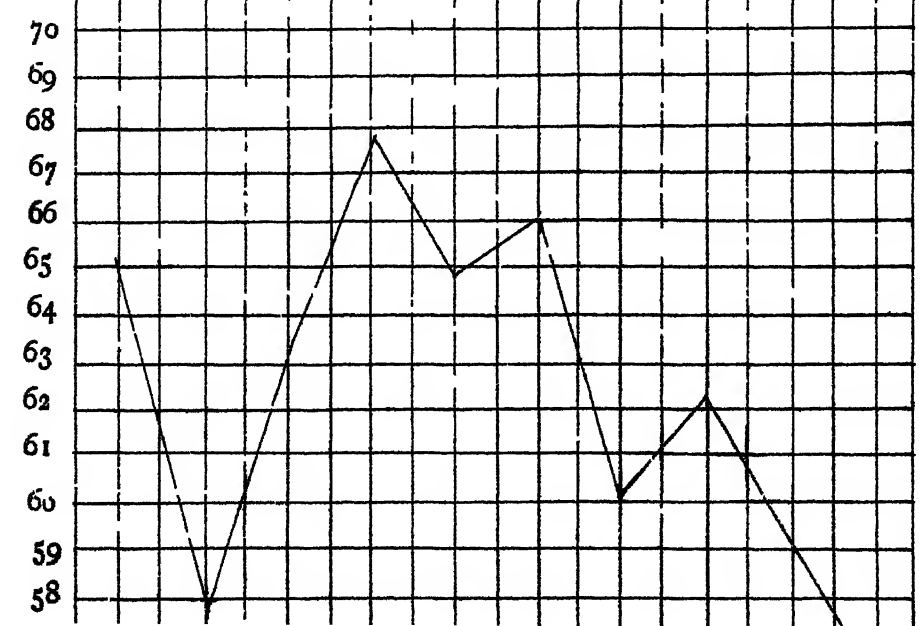
Number of persons in whose trials or further enquiries were cited.

XV



Number of appellants who preferred appeals.

XVI





## APPENDICES.

	PAGE
No. 1 (Criminal).—Statement showing the number of Judicial Divisions and the number of officers exercising Appellate or Original Criminal Jurisdiction in the Province of Lower Burma for the year 1916 with the cost of tribunals.	22
No. 1 (Criminal).—Statement showing the number of Judicial Divisions and the number of officers exercising Appellate or Original Criminal Jurisdiction in the Province of Upper Burma for the year 1916 with the cost of tribunals.	ib.
No. 2 (Criminal).—Statement showing offences reported and persons tried, convicted and acquitted of each class of offence in the Province of Lower Burma for the year 1916.	24
No. 2 (Criminal).—Statement showing offences reported and persons tried, convicted and acquitted of each class of offence in the Province of Upper Burma for the year 1916.	25
No. 2A (Criminal).—Statement showing the general result of the trial of European British subjects in the Province of Lower Burma in the year 1916.	26
No. 2A (Criminal).—Statement showing the general result of the trial of European British subjects in the Province of Upper Burma in the year 1916.	ib.
No. 3 (Criminal).—Statement showing miscellaneous proceedings under the Criminal Procedure Code in the Province of Lower Burma during the year 1916.	28
No. 3 (Criminal).—Statement showing miscellaneous proceedings under the Criminal Procedure Code in the Province of Upper Burma during the year 1916.	ib.
No. 4 (Criminal).—Statement showing the general result of criminal trials in the tribunals of various classes in the Province of Lower Burma for the year 1916.	30
No. 4 (Criminal).—Statement showing the general result of criminal trials in the tribunals of various classes in the Province of Upper Burma for the year 1916.	ib.
No. 5 (Criminal).—Statement showing the punishments inflicted by the various criminal tribunals in the Province of Lower Burma for the year 1916.	32
No. 5 (Criminal).—Statement showing the punishments inflicted by the various criminal tribunals in the Province of Upper Burma for the year 1916.	ib.
No. 5A (Criminal).—Statement showing the particulars of whippings inflicted by the criminal tribunals in the Provinces of Lower and Upper Burma for the year 1916—	
Part I.—Showing whippings inflicted under sections 3 and 4, Act IV of 1909, in lieu of other punishments on both adults and juveniles in Lower Burma.	34
Part I.—Showing whippings inflicted under sections 3 and 4, Act IV of 1909, in lieu of other punishments on both adults and juveniles in Upper Burma.	35
Part II.—Showing whippings inflicted in addition to other punishments, section 4, Act IV of 1909, on adults in Lower Burma.	36
Part II.—Showing whippings inflicted in addition to other punishments, section 4, Act IV of 1909, on adults in Upper Burma.	37
Part III.—Showing whippings inflicted under section 5, Act IV of 1909, on juveniles for offences other than those specified in Part I in Lower Burma.	38
Part III.—Showing whippings inflicted under section 5, Act IV of 1909, on juveniles for offences other than those specified in Part I in Upper Burma.	ib.
Part IV.—Showing relative number of times whipping was awarded as compared with other punishments in Lower Burma.	39
Part IV.—Showing relative number of times whipping was awarded as compared with other punishments in Upper Burma.	ib.
No. 6 (Criminal).—Statement showing the result of appeal and revision in criminal cases in the Province of Lower Burma for the year 1916.	40
No. 6 (Criminal).—Statement showing the result of appeal and revision in criminal cases in the Province of Upper Burma for the year 1916.	ib.
No. 13 (Criminal).—Statement showing the use of Jurors and Assessors in the Province of Lower Burma in the year 1916.	41
No. 7 (Criminal).—Statement showing the use of Jurors and Assessors in the Province of Upper Burma in the year 1916.	ib.



## JUDICIAL STATEMENT

Showing the number of Judicial Divisions and the number of Officers exercising Appellate with the cost of tribunals

Name of Province	Area in square miles.	Population.	Number of Divisions for Courts, under Chief (not including courts of districts).	Number of districts.	Number of sub-districts.	NUMBER OF OFFICERS EXERCISING APPELLATE JURISDICTION.				
						Judges of Chief Courts.	Judges of District Courts other than Chief Courts.	Judges of other Subordinate Courts.		
1	2	3	4	5	6	7	8	9	10	11
LOWER BURMA.										
Territory subject to the High Court. } Criminal	89,109	6,480,687					11	14	...	349
Total, Lower Burma	89,109	6,480,687			4		11	24	...	349

\* The figures for the total receipts and total charges of the Courts are those for all Courts, including Temporary Additions.

## JUDICIAL STATEMENT

Showing the number of Judicial Divisions and the number of Officers exercising Appellate with the cost of tribunals

Name of Province.	Area in square miles.	Population.	Number of divisions.	Number of districts.	Number of sub-divisions of districts.	NUMBER OF OFFICERS EXERCISING APPELLATE JURISDICTION.				
						Judges of Chief Courts.	Judges of District Courts other than Chief Courts.	Judges of other Subordinate Courts.		
1	2	3	4	5	6	7	8	9	10	11
Upper Burma	91,900	4,988,619	5	19	45	1	19	19	...	210
Total, Upper Burma	91,900	4,988,619	5	19	45	1	19	19	...	210
GRAND TOTAL, BURMA	1,78,909	10,737,306	10	41	90	2	38	38	...	559

\* The figures for the total receipts and total charges of the Courts are those for all Courts.

## NO. I (CRIMINAL).

or Original Criminal Jurisdiction in the Province of Lower Burma for the year 1916,  
(Paragraphs 1 and 2).

TOTAL NUMBER OF CASES DECIDED.				Total receipts of the Courts.	Total charges of the Courts.	Remarks.
Original.		Appeals.				
Regular.	Miscellaneous.	Regular.	Miscellaneous.			
12	13	14	15	16	17	18
				Rs.	Rs.	
						Grades of Judicial Officers.
						<i>Officers exercising both Original and Appellate jurisdiction.</i>
						Chief Court Judges ...
						Sessions Judges ...
						Additional Sessions Judges ...
						Assistant Sessions Judges ...
						District Magistrates ...
						Additional District Magistrates ...
						First Class Magistrates with Appellate powers.
						<i>Officers exercising Original jurisdiction only.</i>
						Stipendiary Magistrates of the 1st class.
						Stipendiary Magistrates of the 2nd class.
						Stipendiary Magistrates of the 3rd class.
						Honorary Magistrates sitting singly
						Special Magistrates under section 14, Criminal Procedure Code.
						Benches of Honorary Magistrates ...
						Total, Lower Burma ...
82,462	2,201	7,891	844	..	...	66
						828

Civil, Criminal, and Revenue, and for both Upper and Lower Burma.  
District Magistrates.

## NO. I (CRIMINAL).

or Original Criminal Jurisdiction in the Province of Upper Burma for the year 1916,  
(Paragraphs 1 and 2).

TOTAL NUMBER OF CASES DECIDED.				Total receipts.	Total charges.	Remarks.																																																																
Original.		Appeals.																																																																				
Regular.	Miscellaneous.	Regular.	Miscellaneous.																																																																			
12	13	14	15	16	17	18																																																																
				Rs.	Rs.	<table><tr><th colspan="2">Grades of Judicial Officers.</th><th>European.</th><th>Native.</th></tr><tr><td colspan="4"><i>Officers exercising both Original and Appellate jurisdiction.</i></td></tr><tr><td>Judicial Commissioner, Upper Burma</td><td></td><td>1</td><td>...</td></tr><tr><td>Sessions Judges</td><td>...</td><td>5</td><td>...</td></tr><tr><td>Additional Sessions Judges</td><td>...</td><td>7</td><td>...</td></tr><tr><td>District Magistrates</td><td>...</td><td>19</td><td>...</td></tr><tr><td>Magistrates of the 1st class invested with appellate powers under section 40, C.P.C.</td><td>...</td><td>...</td><td>...</td></tr><tr><td colspan="4"><i>Officers exercising Original jurisdiction only.</i></td></tr><tr><td>Stipendiary Magistrates of the 1st class</td><td></td><td>25</td><td>62</td></tr><tr><td>Stipendiary Magistrates of the 2nd class</td><td></td><td>5</td><td>72</td></tr><tr><td>Stipendiary Magistrates of the 3rd class</td><td></td><td>2</td><td>15</td></tr><tr><td>Special Magistrates under section 14, C.P.C.</td><td></td><td>13</td><td>3</td></tr><tr><td>Honorary Magistrates sitting singly</td><td>...</td><td>...</td><td>...</td></tr><tr><td>Benches of Honorary Magistrates</td><td>...</td><td>...</td><td>13</td></tr><tr><td>Total, Upper Burma</td><td>...</td><td>77</td><td>164</td></tr><tr><td>GRAND TOTAL, BURMA</td><td>...</td><td>143</td><td>488</td></tr></table>	Grades of Judicial Officers.		European.	Native.	<i>Officers exercising both Original and Appellate jurisdiction.</i>				Judicial Commissioner, Upper Burma		1	...	Sessions Judges	...	5	...	Additional Sessions Judges	...	7	...	District Magistrates	...	19	...	Magistrates of the 1st class invested with appellate powers under section 40, C.P.C.	...	...	...	<i>Officers exercising Original jurisdiction only.</i>				Stipendiary Magistrates of the 1st class		25	62	Stipendiary Magistrates of the 2nd class		5	72	Stipendiary Magistrates of the 3rd class		2	15	Special Magistrates under section 14, C.P.C.		13	3	Honorary Magistrates sitting singly	...	...	...	Benches of Honorary Magistrates	...	...	13	Total, Upper Burma	...	77	164	GRAND TOTAL, BURMA	...	143	488
Grades of Judicial Officers.		European.	Native.																																																																			
<i>Officers exercising both Original and Appellate jurisdiction.</i>																																																																						
Judicial Commissioner, Upper Burma		1	...																																																																			
Sessions Judges	...	5	...																																																																			
Additional Sessions Judges	...	7	...																																																																			
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Magistrates of the 1st class invested with appellate powers under section 40, C.P.C.	...	...	...																																																																			
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Stipendiary Magistrates of the 3rd class		2	15																																																																			
Special Magistrates under section 14, C.P.C.		13	3																																																																			
Honorary Magistrates sitting singly	...	...	...																																																																			
Benches of Honorary Magistrates	...	...	13																																																																			
Total, Upper Burma	...	77	164																																																																			
GRAND TOTAL, BURMA	...	143	488																																																																			
28,310	2,498	2,473	6,795	26,12,562*	52,20,355*																																																																	
28,310	2,498	2,473	6,795	...	..																																																																	
1,11,372	4,694	10,364	7,139	26,12,562	52,20,355*																																																																	

Civil, Criminal, and Revenue, and for both Upper and Lower Burma.

## JUDICIAL STATEMENT NO. 2 (CRIMINAL).

Showing offences reported and persons tried, convicted, and acquitted of each class of offence in the Province of Lower Burma for the year 1916 (Paragraphs 4, 5, 7 and 8).

Description of offence.	Number of offences reported in, and pending from, previous year.	Number of offences reported during the year.	Cases found to be true of offences reported in		Number of cases brought to trial during the year.	NUMBER OF PERSONS					Remarks.
			Previous year.	1916.		Under trial during the year including pending from previous year.	Acquitted or discharged.	Convicted.	Died, escaped, or transferred to another province.	Remaining under trial.	
1	2	3	4	5	6	7	8	9	10	11	12
<b>LOWER BURMA.</b>											
Offences against the State, Chapter VI of the Indian Penal Code.	1	7	1	5	8	10	...	9	...	1	
Offences relating to the Army and Navy, Chapter VII ...	...	3	...	2	2	11	...	11	...	...	
Offences against the public tranquillity, Chapter VIII ...	17	230	12	171	227	245	639	547	12	47	
Offences by, or relating to public servants, Chapter IX ...	15	173	7	93	164	205	100	174	3	23	
Contempts of the lawful authority of public servants, Chapter X.	41	500	21	273	473	574	214	268	9	78	
False evidence and offences against public justice, Chapter XI.	64	367	35	534	903	1,167	371	674	11	111	
Offences relating to coin, Chapter XII ...	2	56	2	41	86	83	37	48	...	5	
Offences relating to Government stamps, Chapter XII ...	1	4	...	4	6	8	3	2	1	...	
Offences relating to weights and measures, Chapter XIII	1	28	1	17	28	34	19	15	...	4	
Offences affecting the public health, safety, convenience, decency and morals, Chapter XIV.	46	1,591	33	1,283	1,585	2,435	532	1,622	1	58	
Offences relating to religion, Chapter XV ...	5	50	1	28	46	127	61	86	...	11	
Offences affecting life ...	50	439	43	415	540	707	545	270	9	89	
Causing of miscarriage, injuries to unborn children, exposure of infants, and the concealment of births.	...	14	...	6	10	14	10	2	...	2	
Hurt ...	474	7,472	373	5,471	7,314	12,154	4,851	4,395	71	857	
Offences affecting the human body, Chapter XVI.	23	210	12	81	123	330	244	108	...	28	
Wrongful restraint and wrongful confinement.	100	2,034	73	1,270	1,504	2,618	1,556	1,022	13	150	
Criminal force and assault ...	52	335	15	132	210	557	314	155	4	64	
Kidnapping, forcible abduction, slavery, and forced labour.	20	231	12	90	202	355	129	69	2	86	
Rape ...	...	14	...	5	12	15	5	4	...	1	
Unnatural offence ...	393	9,744	299	7,601	9,472	13,748	4,858	7,997	51	742	
Theft ...	43	147	30	50	134	300	162	111	5	81	
Extortion ...	60	654	41	332	659	1,246	350	513	6	177	
Robbery and dacoity ...	13	128	7	103	166	210	118	103	1	18	
Criminal misappropriation of property	60	1,237	42	513	1,094	1,341	640	574	14	118	
Offences against property, Chapter XVII.	5	232	5	126	226	376	121	216	2	7	
Criminal breach of trust ...	79	927	37	324	745	961	629	383	7	86	
Receiving of stolen property ...	4	48	4	15	83	66	34	18	...	5	
Cheating ...	66	1,062	39	541	838	1,733	1,153	498	4	126	
Fraudulent deeds and disposition of property.	683	5,461	302	2,465	5,050	9,429	4,071	3,039	21	599	
Mischief ...	5	89	2	34	70	119	55	35	...	29	
Criminal trespass ...	1	12	...	9	10	50	22	26	...	2	
Offences relating to documents and to trade or property marks, Chapter XVIII.	23	728	10	267	432	590	444	79	9	68	
Criminal breach of contracts of service, Chapter XIX ...	23	563	15	150	276	320	235	73	2	30	
Offences relating to marriage, Chapter XX ...	154	8,162	100	2,042	2,713	4,021	2,829	1,126	14	255	
Defamation, Chapter XXI ...	181	5,065	103	5,165	6,015	7,257	1,552	5,437	24	193	
Criminal intimidation, insult and annoyance, Chapter XXII.	56	1,058	35	871	1,040	1,593	658	1,104	25	110	
Total ...	2,128	28,241	1,483	25,348	35,769	55,249	27,465	24,685	271	3,864	
Offences under the Excise Act ...	150	2,923	116	2,022	2,754	22,565	9,314	9,923	1,385	1,544	
Offences under the Forest Act and Rules.	27	539	23	447	549	605	122	457	9	14	
Offences under the Gambling Act ...	44	3,349	40	3,010	3,248	3,493	285	3,105	10	82	
Offences under the Arms Act and Rules.	801	6,457	240	5,430	6,094	6,292	526	5,396	15	158	
Offences under the Police Act ...	68	2,420	53	3,072	2,419	2,740	531	2,079	26	108	
Offences under the Municipal Act and Rules.	25	1,512	21	1,430	1,505	1,877	339	1,538	3	34	
Offences under the Opium Act and Rules.	...	23	...	22	26	36	...	34	1	1	
Offences under the Railways Act ...	2	31	2	74	87	148	39	108	1	...	
Offences under the Stamp Act and Rules.	473	24,737	244	23,162	24,247	39,398	5,299	31,599	214	586	
Offences under the Vaccination Act ...	1,379	49,002	377	49,002	49,377	39,129	12,297	37,392	2,480	3,403	
Offences under other Special and Local Laws.	2,282	67,341	2,400	69,021	64,161	142,422	45,773	3,277	2,370	6,280	
Total, Lower Burma.	2,282	67,341	2,400	69,021	64,161	142,422	45,773	3,277	2,370	6,280	

## JUDICIAL STATEMENT NO. 2 (CRIMINAL).

Showing offences reported and persons tried, convicted and acquitted of each class of offence in the Province of Upper Burma for the year 1916 (Paragraphs 3, 6 and 7).

Description of offences.	Offences reported in, and pending from, the previous year.	Number of Offences reported during the year.	NUMBER OF CASES FOUND TO BE TRUE OF OFFENCES REPORTED IN		Number of cases brought to trial during the year.	NUMBER OF PERSONS					Remarks.
			Previous year.	1916.		Under trial during the year including pending from previous year.	Acquitted or discharged.	Convicted.	Died, escaped or transferred to another province.	Remaining under trial.	
1	2	3	4	5	6	7	8	9	10	11	12
UPPER BURMA.											
Offences against the State, Chapter VI of the Indian Penal Code.	...	2	...	...	1	4	4	...	...	...	
Offences against the Army and Navy, Chapter VII	...	...	...	...	...	...	...	...	...	...	
Offences against the public tranquillity, Chapter VIII	9	205	5	169	210	1,119	536	537	84	12	
Offences by, or relating to, public servants, Chapter IX	1	41	...	21	35	45	21	23	...	1	
Contempts of the lawful authority of public servants, Chapter X.	8	148	5	116	152	191	46	129	2	14	
False evidence and offences against public justice, Chapter XI.	23	255	16	165	258	333	118	186	8	26	
Offences relating to coin, Chapter XII	...	36	...	25	36	63	29	24	...	...	
Offences relating to Government Stamps, Chapter XII	...	4	...	1	4	5	2	1	...	2	
Offences relating to weights and measures, Chapter XIII	...	80	...	23	30	89	5	24	...	...	
Offences affecting the public health, safety, convenience, decency, and morals, Chapter XIV	7	425	5	353	423	715	156	549	...	10	
Offences relating to religion, Chapter XV	2	18	...	9	18	43	14	22	...	2	
Offences affecting life	21	206	16	189	188	231	62	116	3	20	
Causing of miscarriage, injuries to unborn children, exposure of infants, and concealment of births.	...	7	...	3	6	7	3	2	...	2	
Hurt	94	2,010	91	2,419	2,941	5,396	3,423	1,716	11	231	
Wrongful restraint and wrongful confinement.	4	55	2	37	55	112	80	30	...	2	
Offences affecting the human body, Chapter XVI.	15	784	12	508	717	989	511	404	2	22	
Criminal force and assault	8	144	4	68	133	214	125	72	...	7	
Kidnapping, forcible abduction, slavery, etc.	4	122	1	87	108	123	76	34	...	13	
Rape	...	6	...	3	5	5	2	2	1	...	
Unnatural offence	...	...	...	...	...	...	...	...	...	...	
Theft	38	2,440	58	1,878	2,384	3,442	1,198	2,105	7	132	
Extortion	4	21	3	9	20	45	26	12	...	7	
Robbery and dacoity	11	119	10	90	119	334	173	120	4	27	
Criminal misappropriation of property	2	96	1	64	89	151	63	80	...	8	
Offences against property, Chapter XVII.	12	430	7	235	390	463	209	249	...	25	
Criminal breach of trust	4	68	2	56	70	115	47	68	...	...	
Receiving stolen property	10	266	5	101	231	294	150	108	2	24	
Cheating	1	7	1	1	8	18	17	1	...	...	
Fraudulent deeds and disposition of property.	13	510	15	302	474	679	620	225	4	30	
Mischief	60	1,977	21	1,261	1,969	3,190	1,933	1,029	3	155	
Criminal trespass	4	16	...	7	13	22	12	9	1	...	
Offences relating to documents and to trade, etc., Chapter XVIII.	...	1	...	1	1	1	1	...	...	...	
Criminal breach of contracts of service, Chapter XIX.	23	309	14	162	264	295	213	64	5	13	
Offences relating to marriage, Chapter XX	2	166	1	107	161	203	143	84	1	25	
Defamation, Chapter XXI	29	1,504	17	983	1,222	1,942	1,222	517	6	99	
Criminal intimidation, insult, and annoyance, Chapter XXII.	...	...	...	...	...	...	...	...	...	...	
Total	460	18,195	323	9,353	12,736	20,903	11,386	8,507	54	916	
Offences under the Excise Act	21	1,923	17	1,653	1,940	2,423	584	1,790	3	41	
Offences under the Forest Act and Rules.	8	689	5	524	696	1,151	321	391	15	24	
Offences under the Gambling Act	84	2,048	62	1,439	2,022	12,687	5,387	6,963	237	800	
Offences under the Arms Act and Rules.	5	214	4	184	219	245	54	133	...	3	
Offences under the Police Act	13	2,622	11	2,293	2,643	2,722	367	2,241	6	8	
Offences under the Municipal Act and Rules.	38	4,033	23	2,737	4,080	4,215	313	3,824	12	56	
Offences under the Opium Act and Rules.	1	497	...	453	494	593	107	476	1	9	
Offences under the Railways Act	3	504	3	457	606	632	101	560	4	17	
Offences under the Stamp Act and Rules.	2	14	...	11	16	23	6	17	...	...	
Offences under the Vaccination Act	...	4	...	1	3	7	3	3	...	1	
Offences under other Special and Local Laws	36	4,355	29	2,647	4,242	6,019	1,243	4,467	30	133	
Total	251	15,312	204	14,540	15,386	22,091	9,042	21,430	493	1,037	
Total Upper Burma	711	30,516	527	22,903	28,122	42,994	20,428	29,937	537	2,013	
GRAND TOTAL, BURMA	4,106	1,17,222	2,957	82,533	1,13,715	1,91,422	63,703	1,15,224	3,166	3,573	

## JUDICIAL STATEMENT

*Showing the general result of the trial of European British*

Description of offence.	PERSONS WHOSE CASES WERE						
	By DISTRICT MAGISTRATES AND OTHER 1ST CLASS MAGISTRATES.				By COURTS OF SESSION.		
	Convicted.	Acquitted or discharged.	Committed.		Convicted.	Acquitted or discharged.	Transferred to High Court under section 449 (2) of the Code.
			To Courts of Session.	To High Court.			
1	2	3	4	5	6	7	8
Offences affecting the public health, safety, convenience, decency and morals, Chapter XIV.	1	..	...	...	...	..	...
Hurt, Chapter XVI	...	2	...	...	...	..	...
Criminal breach of trust, Chapter XVII	1	...	...	..	...	...	...
Cheating, Chapter XVII	1	...	...	..	...	...	...
Criminal trespass, Chapter XVII	1	1	..	...	..	...	...
Defamation, Chapter XXI	..	2	...	...	..	...	..
Offences under special and local laws	23	1	..	...	...	...	...
Total, Lower Burma	26	9	...	...	...	...	...

## JUDICIAL STATEMENT

*Showing the general result of the trial of European*

Description of offence.	PERSONS WHOSE CASES WERE						
	By DISTRICT MAGISTRATES AND OTHER 1ST CLASS MAGISTRATES				By COURTS OF SESSION.		
	Convicted.	Acquitted or discharged.	Committed.		Convicted.	Acquitted or discharged.	Transferred to High Court under section 449 (2) of the Code.
			To Courts of Session.	To High Court.			
1	2	3	4	5	6	7	8
Offences affecting the human body, Chapter XVI, Hurt	1	...	...	...	...	...	...
Offences under special and local laws	2	3	..	..	...	...	...
Total, Upper Burma	3	3	...	..	...	..	...
GRAND TOTAL, BURMA	29	12	...	..	...	...	..

Note.—The High Court for Upper Burma for European

## NO. 2A (CRIMINAL).

*Subjects in the Province of Lower Burma in the year 1916.*

DISPOSED OF				OF THE TOTAL NUMBER OF PERSONS SHOWN IN										
BY HIGH COURT.		TOTAL FOR ALL COURTS.		COLUMNS 2 TO 5.			COLUMNS 6 TO 8.		COLUMNS 9 TO 10.		COLUMNS 11 AND 12.			
Convicted.	Acquitted.	Convicted.	Acquitted or discharged.	Number who claimed to be tried by a mixed jury, section 451 (1) of the Code.	Number who did not so claim.	Number of those in column 13 whose cases were transferred under section 451 (2) of the Code.	Number who claimed a mixed number of assessors, section 450 (3) of the Code.	Number who did not so claim.	Number who claimed to be tried by a mixed jury, section 450 (1) of the Code.	Number who did not so claim.	Number whose cases were disposed of by			
											Magistrates.		Sessions Judges.	
											Being European British subjects.	Other than European British subjects.	Being European British subjects.	Other than European British subjects.
9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
...	...	1	..	..	1	..	...	...	...	...	1	...	...	...
1	...	1	2	.	2	.	...	...	1	...	2	...	1	...
...	...	1	...	..	1	...	...	...	...	...	1	...	...	...
...	...	1	...	..	1	...	...	...	...	...	1	...	...	..
...	...	1	1	...	2	...	..	...	...	...	2	...	...	...
...	...	...	2	...	2	...	...	...	.	...	2	...	...	...
...	...	22	4	...	26	..	...	...	..	...	26	...	.	...
1	...	27	9	..	85	..	...	...	1	.	85	...	1	..

## NO. 2A (CRIMINAL).

*British Subjects in the Province of Upper Burma in the year 1916.*

DISPOSED OF				OF THE TOTAL NUMBER OF PERSONS SHOWN IN											
By High Court.		TOTAL FOR ALL COURTS.		COLUMNS 2 TO 5			COLUMNS 6 TO 8		COLUMNS 9 TO 10.		COLUMNS 11 AND 12.				
Convicted.	Acquitted.	Convicted.	Acquitted or discharged.	Number who claimed to be tried by a mixed jury, section 451 (1) of the Code.	Number who did not so claim.	Number of those in column 13 whose cases were transferred under section 451 (9) of the Code.	Number who claimed a mixed number of assessors, section 450 (2) of the Code.	Number who did not so claim.	Number who claimed to be tried by a mixed jury, section 450 (1) of the Code.	Number who did not so claim.	Number whose cases were disposed of by				
											Magistrates.		Sessions Judges.		
											Being European British subjects.	Other than European British subjects.	Being European British subjects.	Other than European British subjects.	
9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	
..	..	1	...	..	1	..	...	...	...	...	1	...	..	..	
..	...	2	3	..	5	..	...	...	...	...	5	...	..	...	
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
...	...	3	8	...	6	...	...	...	...	..	6	...	...	...	
1	...	30	12	...	41	...	...	...	1	..	41	...	1	...	

British subjects in the Chief Court of Lower Burma.



## NO. 3 (CRIMINAL)

*in the Province of Lower Burma during the year 1916 (Paragraphs 11 and 17).*

Number of persons concerned.	Number of persons discharged.	Number of persons convicted.	Remarks.
3	4	5	6
1	...	1	
66	5	61	
1,840	287	1,478	57 persons pending, 31 absconded, 1 died and 1 transferred.
72	63	9	
140	88	41	8 persons pending.
85	9	76	
14	11	3	
1,688	605	1,083	97 persons pending and 4 absconded.
849	402	892	62 persons pending and 3 absconded.
61	...	61	
4,816	1,470	3,102	214 persons pending, 28 absconded, 1 transferred, and 1 died.

persons were dismissed.

## NO. 3 (CRIMINAL).

*in the Province of Upper Burma during the year 1916 (Paragraph 14).*

Number of persons concerned.	Number of persons discharged.	Number of persons convicted.	Remarks.
3	4	5	6
1	...	1	
72	7	65	
778	149	593	2 absconded ; 29 pending.
9	8	1	
37	9	28	
48	...	48	
5	1	4	
1,618	592	943	77 pending.
175	69	104	11 pending.
33	2	31	
2,771	828	1,894	117 pending and 2 absconded.
7,537	2,256	4,928	881 pending, 80 absconded, 1 transferred and 1 died.



JUDICIAL STATEMENT

*Showing the general result of Criminal trials in the tribunals of various classes in*

		PERSONS		
Class of tribunals.		Total number of persons under trial.	Died, e-scaped, or transferred to another province.	Discharged or acquitted.
1		2	3	4
SUBORDINATE MAGISTRATES	Special Magistrates under section 14, Criminal Procedure Code	....	.. ..	....
	Honorary Magistrates sitting singly	....	....	....
	Stipendiary Magistrates sitting singly	88,752	4,531	40,016
	Benches of Magistrates	11,502	24	5,878
District and Subdivisional Magistrates' cases referred under sections 247 and 249, Criminal Procedure Code		414	1	39
Chief Magistrates of Districts		1,216	21	425
Courts of Session		1,607	3	372
Superior Courts		184	.. ..	86
Total, Lower Burma		112,879	2,579	46,276

JUDICIAL STATEMENT

*Showing the general result of Criminal trials in the tribunals of various classes in*

		PERSONS		
Class of tribunals.		Total number of persons under trial.	Died, escaped, or transferred to another province.	Discharged or acquitted.
1		2	3	4
Village Officers		.. ..	.....	.....
SUBORDINATE MAGISTRATES	Special Magistrates under section 14	189	.....	57
	Honorary Magistrates sitting singly	....	.....	....
	Stipendiary Magistrates sitting singly	48,768	564	12,197
	Benches of Magistrates	8,218	14	1,220
District and Subdivisional Magistrates' cases referred under sections 247 and 249, Criminal Procedure Code.		117	.....	10
Chief Magistrates of Districts		658	5	309
Courts of Session		237	4	66
Superior Courts		41	.....	8
Total, Upper Burma		58,301	587	20,427
GRAND TOTAL, BURMA		1,96,180	8,166	66,703

## NO. 4 (CRIMINAL)

the Province of Lower Burma for the year 1916 (Paragraphs 9, 10, 12, 13, 14, 15 and 18).

## WHOSE CASES WERE DISPOSED OF

WHOSE CASES WERE DISPOSED OF																	
CONVICTED.													Persons remaining under trial at the end of the year.	Number of cases disposed of during the year.	Average number of days during which each case lasted.	Number of witnesses examined.	Remarks.
On regular trial.				On summary trial.				Committed or referred.									
Sentence passed.	Released on probation, section 589, Criminal Procedure Code.	Youthful offenders dealt with under section 81, Act VIII of 1897.		Sentence passed.	Released on probation, section 589, Criminal Procedure Code.	Youthful offenders dealt with under section 81, Act VIII of 1897.											
		Discharged after admonition.	Delivered to parent or guardian, etc.			Discharged after admonition.	Delivered to parent or guardian, etc.										
5	6	7	8	9	10	11	12	13	14	15	16	17	18				
...	...	...	...	...	..	...	...	...	...	...	...	...					
...	...	...	...	...	..	...	...	...	...	...	...	...					
40,326	516	..	1	7,888	293	6	13	1,833	5,949	53,168	20	294,790					
...	...	...	...	25,386	6	...	..	3	555	22,466	4	23,944					
290	83	...	2	...	...	...	...	...	...	360	8	178					
561	25	...	...	84	1	...	...	16	78	783	33	6,199					
463	1	...	...	...	...	...	...	105	66	600	59	7,800					
133	...	...	...	...	...	...	...	..	17	137	35	507					
41,673	624	...	3	43,908	290	6	13	1,447	6,800	83,463	15	383,173					

## NO. 4 (CRIMINAL).

the Province of Upper Burma for the year 1916 (Paragraphs 8 to 15 and 22).

## WHOSE CASES WERE DISPOSED OF

WHOSE CASES WERE DISPOSED OF													
CONVICTED.								Persons remaining under trial at the end of the year.	Number of cases disposed of during the year.	Average number of days during which each case lasted.	Number of witnesses examined.	Remarks.	
On regular trial.				On summary trial.									
Sentence passed.	Released on probation, section 809, Criminal Procedure Code.	Youthful offenders dealt with under section 81, Act VIII of 1897.		Sentence passed.	Released on probation, section 809, Criminal Procedure Code.	Youthful offenders dealt with under section 81, Act VIII of 1897.							
		Discharged after admonition.	Delivered to parent or guardian, etc.			Discharged after admonition.	Delivered to parent or guardian, etc.	Committed or referred.					
5	6	7	8	9	10	11	12	13	14	15	16	17	18
...	...	...	...	...	...	...	...	...	...	...	...	...	...
147	..	...	...	...	..	...	...	1	7	87	5	309	
...	...	...	..	...	..	...	...	...	...	...	...	...	
18,086	289	...	2	3,934	65	...	3	263	1,370	20,735	15	30,868	
218	...	...	...	6,755	11	...	...	...	100	7,613	4	4,013	
45	53	1	3	2	...	...	...	...	3	91	13	93	
299	3	..	1	7	...	...	...	5	24	311	32	4,730	
119	...	...	...	...	..	...	...	23	3	150	49	1,336	
34	...	...	...	...	...	...	...	...	1	34	27	...	
18,593	295	1	6	10,638	76	...	3	307	2,019	23,610	13	101,736	
60,571	919	1	9	63,906	363	6	16	1,754	3,673	1,11,573	...	4,84,974	

## JUDICIAL STATEMENT

Showing the punishments inflicted by the various Criminal Tribunals

Classes of tribunals.		PERSONS SENTENCED TO							Persons ordered to find or give security or recognizance to keep the peace or surities for good behaviour.	Persons imprisoned in default of security for good behaviour.	
		Death.	Transportation.	Penal servitude.	Imprisonment.		Forfeiture of property.	Fine.			Whipping.
					Rigorous.	Simple.					
1.		2.	3.	4.	5.	6.	7.	8.	9.	10.	11.
SUBORDINATE MAGISTRATES.	Special Magistrates under section 14.	...	...	...	...	...	...	...	...	...	...
	Honorary Magistrates sitting singly.	...	...	...	...	...	...	...	...	...	...
	Stipendiary Magistrates sitting singly.	...	124	...	13,672	402	2	31,609	1,474	1,675	932
	Benches of Magistrates	...	...	...	148	2,708	...	3,414	46	...	...
District and Subdivisional Magistrates' cases referred under section 849, Criminal Procedure Code.		...	...	...	108	6	...	20	100	7	...
Chief Magistrates of Districts		...	28	...	483	10	...	142	24	24	19
Courts of Session		...	257	...	175	3	...	7	18	23	28
Superior Courts		78	16	...	41	...	...	...	...	...	...
Total, Lower Burma		78	425	...	14,567	3,127	2	64,242	1,722	1,729	1,034

## JUDICIAL STATEMENT

Showing the punishments inflicted by the various Criminal Tribunals

Class of tribunals.		PERSONS SENTENCED TO							Persons ordered to find or give security or recognizance to keep the peace, or surities for good behaviour.	Persons imprisoned in default of security for good behaviour.	
		Death.	Transportation.	Penal servitude.	Imprisonment.		Forfeiture of property.	Fine.			Whipping.
					Rigorous.	Simple.					
1		2	3	4	5	6	7	8	9	10	11
Village Officers	...	...	...	...	...	...	...	...	...	...	...
SUBORDINATE MAGISTRATES.	Special Magistrates under section 14	...	...	...	41	...	...	117	1	2	...
	Honorary Magistrates sitting singly	...	...	...	...	...	...	...	...	...	...
	Stipendiary Magistrates sitting singly	...	3	...	8,054	224	...	17,821	644	958	180
	Benches of Magistrates	...	...	...	5	2	...	6,961	6	11	...
District and Subdivisional Magistrates' cases referred under section 849, Criminal Procedure Code.		...	1	...	50	1	...	2	13	61	...
Chief Magistrates of Districts		...	19	...	109	14	...	47	24	9	3
Sessions Courts		...	56	...	55	4	...	12	2	6	4
Superior Courts		25	9	...	...	...	...	...	...	...	...
Total, Upper Burma		25	83	...	8,614	245	...	24,970	700	1,047	187
GRAND TOTAL, BURMA		101	513	...	17,931	8,682	2	89,192	2,422	3,776	1,221

## NO. 5 (CRIMINAL).

in the Province of Lower Burma for the year 1916 (Paragraphs 16 and 17).

DETAIL OF PUNISHMENTS.																		Number of boys whose sentences were committed to detention in a Reformatory School.
Fines.						Imprisonment.						Whipping.						
Rupees 10 and under.	Rupees 50 and under.	Rupees 100 and under.	Rupees 500 and under.	Rupees 1,000 and under.	Above Rs. 1,000.	Total amount of fines imposed during the year.	Total amount of fines realized during the year.	Total amount paid by way of compensation.	Fifteen days and under.	Six months and under.	Two years and under.	Seven years and under.	Above seven years.	Ten stripes and under.	Twenty stripes and under.	Thirty stripes and under.		
12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	
						Rs. A. P.	Rs. A. P.	Rs. A. P.										
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
18,641	11,905	1,411	241	10	1	5,06,400 15 10	4,30,134 9 3	25,141 10 6	1,121	7,055	5,711	1,169	...	208	971	295	9	
91,502	942	...	...	...	...	93,089 7 0	92,952 15 0	1,902 12 0	2,817	37	...	...	...	17	29	...	...	
5	10	5	...	...	...	762 0 0	642 0 0	87 0 0	14	46	53	1	...	26	119	15	7	
53	82	2	4	...	1	11,367 14 6	5,639 13 6	166 15 0	27	70	133	237	...	4	15	5	3	
1	5	1	...	...	...	360 0 0	610 0 0	100 0 0	9	15	72	89	6	...	2	18	...	
...	...	...	...	...	...	...	...	...	1	...	8	87	...	...	...	...	...	
50,302	12,944	1,419	245	10	2	5,11,980 5 4	5,29,869 5 9	27,348 5 6	3,939	7,223	5,977	1,539	6	265	1,196	931	19	

## NO. 5 (CRIMINAL).

in the Province of Upper Burma for the year 1916 (Paragraphs 10, 13, and 16 to 18).

DETAIL OF PUNISHMENTS.																	
Fines.									Imprisonment.					Whipping.			
Rs. 10 and under.	Rs. 50 and under.	Rs. 100 and under.	Rs. 500 and under.	Rs. 1,000 and under.	Above Rs. 1,000.	Total amount of fines imposed during the year.	Total amount of fines realized during the year.	Amount paid by way of compensation.	Fifteen days and under.	Six months and under.	Two years and under.	Seven years and under.	Above seven years.	Ten stripes and under.	Twenty stripes and under.	Thirty stripes and under.	Number of boys whose sentences were committed to detention in a reformatory school.
12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
						Rs. A. P.	Rs. A. P.	Rs. A. P.									
...	...	...	...	...	...	.....	.....	.....	...	...	...	...	...	...	...	...	...
99	13	3	2	...	...	1,468 13 0	1,078 10 0	51 0 0	...	22	19	...	...	...	1	...	...
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
19,156	5,089	550	84	2	...	2,35,406 3 9	2,09,720 0 1	17,308 8 9	469	1,944	949	76	...	104	869	171	...
6,871	90	...	...	...	...	15,785 4 0	14,092 4 0	780 12 0	6	1	...	...	...	3	8	...	...
...	2	...	...	...	...	65 0 0	65 0 0	50 0 0	1	17	15	18	...	3	9	1	...
20	20	4	3	...	...	2,434 0 0	3,214 5 1	841 8 0	19	42	69	94	2	...	11	28	2
...	2	8	2	...	...	1,935 0 0	620 0 0	470 0 0	5	1	32	32	3	...	2	...	...
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
19,146	5,166	565	91	2	...	2,64,544 4 2	2,39,390 3 2	19,476 12 9	500	2,027	1,034	210	6	110	895	195	2
69,343	17,510	1,984	336	12	3	3,63,534 10 1	7,58,769 8 11	46,325 8 3	4,199	9,250	7,061	1,749	11	375	1,581	626	21

## JUDICIAL STATEMENT NO. 5A (CRIMINAL).

*Showing the particulars of whippings inflicted by the Criminal Tribunals in the Provinces of Lower and Upper Burma during the year 1916.*

## PART I.

Showing whippings inflicted under sections 3 and 4, Act IV of 1909, in lieu of other punishments on both adults and juveniles in Lower Burma (Paragraph 16).

Offences for which awarded.					NUMBER OF PERSONS AWARDED			Total
					10 stripes and under.	11 to 20 stripes.	21 to 30 stripes.	
1	2	3	4	5	6	7	8	9
IN LIEU OF OTHER PUNISHMENTS.								
1. Section 376, Indian Penal Code	..	.	...	..	3	5	2	8
2. Section 377, Indian Penal Code	...	...	.	...	...	8	2	5
3. Section 378, Indian Penal Code	..	...	.	...	59	130	108	327
4. Section 380, Indian Penal Code	...	...	...	..	52	529	106	767
5. Section 382, Indian Penal Code	...	...	...	..	1	10	4	15
6. Section 394, Indian Penal Code	..	...	...	.	...	4	5	9
7. Section 395, Indian Penal Code	...	...	...	...	...	3	...	3
8. Section 454, Indian Penal Code	...	...	...	...	1	19	10	30
9. Section 457, Indian Penal Code	...	..	...	...	9	70	51	130
10. Section 52 of the Prisons Act, IX of 1911	..	...	...	..	...	3	...	2
Total					195	1,072	318	1,585
Section 841, Indian Penal Code	...	...	...	..	...	1	...	1
Section 411, Indian Penal Code	...	..	...	..	...	1	...	1
Section 412, Indian Penal Code	...	.	...	..	...	1	...	1
Section 436, Indian Penal Code	...	.	...	..	...	1	...	1
Section 41, Excise Act	...	...	...	...	...	1	..	1
Total					3	3	...	6
Total, Lower Burma					198	1,074	319	1,591

\* These sentences were passed in contravention of the provisions of Act IV of 1909.

## JUDICIAL STATEMENT NO. 5A (CRIMINAL)—continued.

## PART I.

Showing whippings inflicted under sections 3 and 4, Act IV of 1909, in lieu of other punishments on both adults and juveniles in Upper Burma (Paragraph 16).

Offences for which awarded.	NUMBER OF PERSONS AWARDED			Total.
	10 stripes and under.	11 to 20 stripes.	21 to 30 stripes.	
1	2	3	4	5
(IN LIEU OF OTHER PUNISHMENTS.)				
Section 376, Indian Penal Code	...	5	4	9
2. Section 377, Indian Penal Code	...	...	...	...
3. Section 379, Indian Penal Code	26	124	66	216
4. Section 380, Indian Penal Code	37	163	79	279
5. Section 388, Indian Penal Code	3	4	...	7
6. Section 394, Indian Penal Code	...	3	2	5
7. Section 395, Indian Penal Code	...	...	4	4
8. Section 454, Indian Penal Code	2	19	5	26
9. Section 457, Indian Penal Code	5	34	11	50
10. Section 52 of the Prisons Act IX of 1894	...	...	...	...
Section 324, 325 and 328, Indian Penal Code	1	5	3	9
Section 366, Indian Penal Code	...	1	1	2
Section 408, 409 and 409, Indian Penal Code	...	1	2	3
Section 420, Indian Penal Code	...	...	1	1
Section 482 and 484, Indian Penal Code	2	1	1	4
Total, Upper Burma	76	380	179	635
GRAND TOTAL, BURMA	274	1,424	497	2,205

\* Inflicted in Frontier districts under the provision of section 6 of Act IV of 1909.

## APPENDICES.

JUDICIAL STATEMENT NO. 5A (CRIMINAL)—continued.

PART II.

Showing whippings inflicted in addition to other punishments, section 4, Act IV of 1909 on adults in Lower Burma (Paragraph 16).

Offences for which awarded.					Number of Persons Awarded			
					10 stripes or less	11 to 20 stripes	21 to 30 stripes	Total
					1	2	3	4
In addition to (1) 1st 14 years.								
1. Section 376, Indian Penal Code					..			2
2. Section 377, Indian Penal Code					..	..		1
3. Section 378, Indian Penal Code					..	1	..	1
4. Section 395, Indian Penal Code					..			9
					..	1	12	13
Section 574, Indian Penal Code *					..	1	1	1
Total					..	1	1	3
Total, Lower Burma					..	1	2	13

\* These sentences were passed in contravention of the provisions of Act IV of 1909.





## JUDICIAL STATEMENT NO. 5A (CRIMINAL)—continued.

## PART III.

Showing whippings inflicted under section 5, Act IV of 1909, on juveniles for offences other than those specified in Part I in Lower Burma (Paragraph 16).

Offences.	NUMBER OF PERSONS AWARDED		Total.
	10 stripes and under.	11 to 15 stripes.	
1	2	3	4
1. Section 170, Indian Penal Code ... ..	1	..	1
2. Section 316, Indian Penal Code ... ..	..	1	1
3. Section 215, Indian Penal Code ... ..	..	1	1
4. Section 304, Indian Penal Code ... ..	..	1	1
5. Sections 223, 224, 225, 226, 231, 232 and 233, Indian Penal Code ... ..	1	18	19
6. Section 252, Indian Penal Code ... ..	..	..	..
7. Section 254, Indian Penal Code ... ..	..	2	2
8. Sections 279, 280 and 281, Indian Penal Code ... ..	12	10	22
9. Sections 292 and 294, Indian Penal Code ... ..	..	3	3
10. Section 408, Indian Penal Code ... ..	..	1	1
11. Section 414, Indian Penal Code ... ..	..	1	1
12. Section 421, Indian Penal Code ... ..	..	1	1
13. Sections 423 and 429, Indian Penal Code ... ..	..	2	2
14. Sections 448, 449, 454, and 467, Indian Penal Code ... ..	..	6	6
15. Section 468, Indian Penal Code ... ..	..	1	1
16. Excise Act ... ..	11	8	19
17. Opium Act ... ..	1	..	1
18. Rangoon Police Act ... ..	2	..	2
19. Arms Act ... ..	..	1	1
20. Indian Railways Act ... ..	..	1	1
21. Gambling Act ... ..	..	1	1
Total, Lower Burma ... ..	28	60	114

## JUDICIAL STATEMENT NO. 5A (CRIMINAL)—continued.

## PART III.

Showing whippings inflicted under section 5, Act IV of 1909, on juveniles for offences other than those specified in Part I in Upper Burma (Paragraph 16).

Offences.	NUMBER OF PERSONS AWARDED		Total.
	10 stripes and under.	11 to 15 stripes.	
1	2	3	4
1. Section 126, Indian Penal Code ... ..	..	1	1
2. Section 201, Indian Penal Code ... ..	..	1	1
3. Section 223, 224, 225 and 226, Indian Penal Code ... ..	1	1	2
4. Section 254, Indian Penal Code ... ..	..	3	3
5. Section 263, Indian Penal Code ... ..	..	1	1
6. Section 279 and 280, Indian Penal Code ... ..	3	1	4
7. Section 311, Indian Penal Code ... ..	1	..	1
8. Section 420, Indian Penal Code ... ..	..	1	1
9. Section 429, Indian Penal Code ... ..	1	..	1
10. Section 462 and 463, Indian Penal Code ... ..	1	2	3
11. Excise Act ... ..	1	..	1
12. Gambling Act ... ..	1	..	1
13. Railways Act ... ..	1	..	1
14. Telegraph Act ... ..	..	1	1
Total, Upper Burma ... ..	91	81	165
GRAND TOTAL, BURMA ... ..	90	91	181

NOTE.—Other offences mean and include all offences punishable under the Indian Penal Code, except offences specified in Chapter VI and in sections 158a and 508 of that Code and offences punishable [vide 5 (a), Whipping Act]; and offences punishable under any other law, with imprisonment which the Governor-General in Council may, by notification in the *Gazette of India*, specify in this behalf [vide 5 (b), Whipping Act] and the Schedule on pages 84 and 86, Courts Manual, Volume 1.

## JUDICIAL STATEMENT NO. 5A (CRIMINAL)—concluded.

## PART IV.

Showing relative number of times whipping was awarded as compared with other punishments in Lower Burma (Paragraph 16).

Punishments.										Number.
1										2
1. Total number of whippings awarded (a)	...	...	...	...	...	...	...	...	...	1,722
2. Total number of other punishments in cases in which whipping might have been awarded	...	...	...	...	...	...	...	...	...	6,779
3. Total number of all punishments in cases in which whipping might have been awarded (total of headings 1 and 2)	...	...	...	...	...	...	...	...	...	8,501
4. Percentage of whippings on total number of all punishments (percentage of heading 1 on heading 3)	...	...	...	...	...	...	...	...	...	20.25

(a) Total of column 5 of Parts I and II and column 4 of Part III.

## JUDICIAL STATEMENT NO. 5A (CRIMINAL)—concluded.

## PART IV.

Showing relative number of times whipping was awarded as compared with other punishments in the Province of Upper Burma (Paragraph 16).

Punishments.										Number.
1										2
1. Total number of whippings awarded (a)	...	...	...	...	...	...	...	...	...	700
2. Total number of other punishments in cases in which whipping might have been awarded	...	...	...	...	...	...	...	...	...	1,888
3. Total number of all punishments in cases in which whipping might have been awarded (total of headings 1 and 2)	...	...	...	...	...	...	...	...	...	2,588
4. Percentage of whippings on total number of all punishments (percentage of heading 1 on heading 3)	...	...	...	...	...	...	...	...	...	27.03

(a) Total of column 5 of Parts I and II and column 4 of Part III.

## APPENDICES.

## JUDICIAL STATEMENT NO. 6 (CRIMINAL).

giving the result of appeal and revision in Criminal cases in the Province of Lower Burma for the year 1916 (Paragraphs 19 to 24).

Class of tribunals.	NUMBER OF PERSONS.												Remarks.
	Total number of appellants and applicants for revision before the Courts.	Died, escaped, or transferred to another province.	Appeals or applications rejected.	Sentence or order confirmed.	Sentence enhanced.	Sentence reduced or otherwise altered.	Sentence reversed.	Proceedings quashed.	New trial or further enquiry ordered.	Referred for revision to the High Court.	Pending trial.	Average number of days during which each appeal lasted.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14
<b>LOWER BURMA.</b>													
Magistrates of Districts ... ..	1,345	...	284	158	...	217	876	6	59	1	37	11	
of Sessions ... ..	6,861	15	3,037	717	...	682	682	...	73	...	363	21	
Courts ...	1,184	...	827	354	0	131	191	...	17	...	155	...	
By persons convicted ... ..	...	...	...	...	...	...	...	...	...	...	...	...	
By Government from judgments of acquittal ... ..	63	...	...	...	...	...	1	...	...	...	21	...	
Total ... ..	9,489	15	4,632	1,559	0	1,013	1,400	6	151	1	517	22	
Magistrates of Districts ... ..	11,653	...	1,148	6,694	...	1	...	74	252	108	403	13	
of Sessions ... ..	5,810	...	1,035	1,414	...	...	...	...	25	178	94	23	
Courts ... ..	2,159	...	5	1,639	...	91	217	1	36	...	156	70	
Total ... ..	17,719	4	7,246	8,331	89	98	217	75	324	106	673	24	
Total, Lower Burma ... ..	27,182	19	11,858	10,390	15	1,108	1,617	31	471	29	1,270	23	

## JUDICIAL STATEMENT NO. 6 (CRIMINAL).

giving the result of appeals and revisions in Criminal cases in the Province of Upper Burma for the year 1916 (Paragraphs 19 to 21).

Class of tribunals.	NUMBER OF PERSONS.												Remarks.
	Total number of appellants and applicants for revision before the Courts.	Died, escaped, or transferred to another province.	Appeals or applications rejected.	Sentence or order confirmed.	Sentence enhanced.	Sentence reduced or otherwise altered.	Sentence reversed.	Proceedings quashed.	New trial or further enquiry ordered.	Referred for revision to the High Court.	Pending trial.	Average number of days during which each appeal lasted.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14
Magistrates of Districts ... ..	977	...	124	408	...	165	236	...	17	...	27	10	
of Sessions ... ..	1,852	3	598	179	21	313	949	...	23	...	26	12	
Courts ...	209	...	51	81	1	89	28	...	1	...	9	38	
By persons convicted ... ..	...	...	...	...	...	...	...	...	...	...	...	...	
By Government from judgments of acquittal ... ..	...	...	...	...	...	...	...	...	...	...	...	...	
Total ... ..	2,588	3	716	671	23	510	513	...	41	...	62	18	
Magistrates of Districts ... ..	2,153	...	245	3,092	5	71	135	...	108	127	329	35	
of Sessions ... ..	2,090	1	94	2,392	...	...	5	...	18	57	78	36	
Courts ... ..	1,313	...	73	1,273	6	85	230	...	7	...	183	50	
Total ... ..	14,044	1	352	12,262	11	156	370	...	128	194	570	38	
Total, Upper Burma ... ..	16,582	4	1,063	12,283	33	666	883	...	169	194	692	22	
GRAND TOTAL, BURMA ... ..	43,764	23	12,998	22,823	78	1,774	2,580	31	645	424	1,962	...	

## JUDICIAL STATEMENT NO. 13 (CRIMINAL).

*Showing the use of Jurors and Assessors in the Province of Lower Burma in the year 1916.*

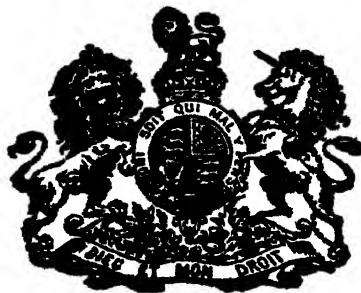
Classes of Courts in which Jurors or Assessors are employed.	Established or average number of jury or assessors in each case, and prescribed qualifications.	NUMBER OF ACCUSED PERSONS IN JURY TRIALS.				NUMBER OF ACCUSED PERSONS IN TRIALS WITH ASSESSORS.				Remarks.
		As to whom the Judge				As to whom the Judge				
		Tried.	Approved verdict.	Did not approve of verdict.	Made reference under section 807, Criminal Procedure Code.	Tried.	Agreed with all the assessors.	Differed from one or more, but not from all the assessors.	Differed from all assessors.	
1	2	3	4	5	6	7	8	9	10	11
Magistrates' Courts under Chapter X, Criminal Procedure Code— Jurors	...	..	...	...	...	...	...	...	...	Prosecutions against 60 persons were withdrawn and 20 persons pleaded guilty.
Courts of Sessions— Jurors	5	11	11	...	...	...	...	...	...	
Assessors	2	..	...	...	..	826	495	68	268	
High Court, Original (Criminal) Jurisdiction— Jurors	9	66	66	..	...	...	...	...	..	
Total, Lower Burma	...	77	77	...	...	826	495	68	268	

## JUDICIAL STATEMENT NO. 7 (CRIMINAL).

*Showing the use of Jurors and Assessors in the Province of Upper Burma in the year 1916.*

Classes of Courts in which Jurors or Assessors are employed	Established or average number of jury or assessors in each case, and prescribed qualifications	NUMBER OF ACCUSED PERSONS IN JURY TRIALS.				NUMBER OF ACCUSED PERSONS IN TRIALS WITH ASSESSORS.				Remarks.
		As to whom the Judge				As to whom the Judge				
		Tried.	Approved verdict.	Did not approve of verdict.	Made reference under section 807, Criminal Procedure Code.	Tried.	Agreed with all the assessors.	Differed from one or more, but not from all the assessors.	Differed from all assessors.	
1	2	3	4	5	6	7	8	9	10	11
Magistrates' Courts under Chapter X, Criminal Procedure Code—										
Jurors .. .. .	...	...	...	...	...	...	...	...	...	...
Courts of Sessions—										
Jurors .. .. .	...	...	...	...	...	...	...	...	...	...
Assessors .. .. .	2	...	...	...	...	28	10	12	1	...
High Court Original (Criminal) jurisdiction—										
Jurors .. .. .	...	...	...	...	...	...	...	...	...	...
Total, Upper Burma .. .. .	...	...	...	...	...	28	10	12	1	...
GRAND TOTAL, BURMA .. .. .	...	77	77	...	...	849	505	75	269	...

**REPORTS**  
**ON THE**  
**ADMINISTRATION OF CRIMINAL JUSTICE**  
**FOR THE YEAR 1916**



**RANGOON**  
**OFFICE OF THE SUPERINTENDENT, GOVERNMENT PRINTING, BURMA**

**1917**

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